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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Fourth periodic report of States parties

DOMINICAN REPUBLIC*

* For the initial report submitted by the Government of the Dominican Republic, see CEDAW/C/5/Add.37; for its consideration by the Committee, see CEDAW/C/SR.106 and CEDAW/C/SR.111, and Official Records of the General Assembly, Forty-third Session, Supplement No. 38 (A/43/38), paras. 127-181. For the second and third periodic reports submitted by the Government of the Dominican Republic, see CEDAW/C/DOM/2-3.

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FOURTH PERIODIC REPORT PURSUANT TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

INTRODUCTION

The Dominican Republic ratified the Convention on the Elimination of All Forms of Discrimination Against Women on 2 September 1982. The initial report was presented to the Committee in 1988; the second and third reports were submitted in 1993 and are expected to be reviewed by the Committee by January 1998. The fourth period report updates the second and third reports and comprises five chapters.

Chapter I describes the Dominican Republic's sociodemographic context. Chapter II covers the country's socioeconomic situation; in Chapter III we outline the Government's new policies; Chapter IV analyses progress and obstacles in implementing each chapter of the Convention; Chapter V contains the bibliography and Chapter VI the annexes.

CHAPTER I

SOCIODEMOGRAPHIC CONTEXT OF THE DOMINICAN REPUBLIC

1. Situated in the Caribbean subregion, the Dominican Republic is the second largest island in the Greater Antilles and occupies two-thirds of Hispaniola, which it shares with Haiti. It has a land area of 48,442.23 square kilometres. For political and administrative purposes the country is divided into 29 provinces grouped into three regions (North, Southeast and Southwest), 7 subregions, and the capital, Santo Domingo de Guzmán, located in the National District.

I.1 Population growth

2. According to census results, the rate of population growth in the Dominican Republic declined from 2.9% in 1970 to 2.3% in 1981. The main reasons for this decline were changes in the birth rate and increased emigration to other countries. According to estimates based on the 1993 census, the population in 1997 is put at 7,777,904, 56% in urban and 41% in rural areas. The breakdown by sex is 51.3% female and 48.7% male.

3. The population breakdown by age has shown a pronounced shift since the 1970s due to a change in reproductive behaviour, resulting in a decline in the proportion of children and young people and a concentration of the population into the middle age groups. Population projections confirmed by the Population and Health Census (ENDESA-96) suggest a distribution in 1996 of 35.7% aged 0 to 14, 58.7% between 15 and 64, and only 5.6% aged 65 or older.

4. The overall fertility rate continued to drop, falling from 3.7 children per woman (aged 15-49) in 1983-85 (ENDESA-86), to 3.3 children per woman in the period 1988-91 (ENDESA-91), and again to 3.2 children per woman in 1993-96 (ENDESA-96).

5. Data on the magnitude, trends, and characteristics of international migration in and out of the country are beset by serious inaccuracies, mainly because many of these movements are undocumented.

6. Domestically, migratory movements have gradually changed their behaviour and pace over the last five years (measured using the birthplace system). During the 1960s and 1970s these movements were predominantly from the rural to urban areas; in 1991 they were mainly urban-urban, at 44%, followed by rural-urban with 25%. Within these flows, most movements involved women.

7. Analysed according to different characteristics, such as school attendance, employment, age and recent mobility, women head all categories, confirming that in all situations women migrate most within the country. This might be related to the economic situation in which rural women live (with limited access to means of production, credit, etc.) and to their marginal status in cities, where they basically form the lower class.

8. Since the main reasons why women (like men) migrate are essentially economic (employment and higher income), the mobility of women has centered around six provinces, specifically those where free-trade zones have been opened

and large tourist complexes have been established and are now operational (San Pedro de Macorís, Romana, La Altagracia, Santiago, Puerto Plata, San Cristóbal and Santo Domingo).

9. Emigration by Dominican nationals is a phenomenon of the last three decades, dating primarily from the period 1980-95,[1] and coincides with the expanding process of urbanization through which the country has been passing, the shift from a basically agricultural economy to one of services, and the growing deterioration of living and working conditions for the urban and rural population alike.

10. 1990-91 saw the second highest percentage of total emigrants on record —22%— exceeded only in the period 1985-89, when 36% of the total population emigrated.

11. By 1991, 17% of Dominican households (11% in rural and 21% in urban areas), or roughly one in every six of the country's households, had current or former members who had lived or were still living abroad.

12. A recent study estimates that at least 700,000 Dominican nationals have emigrated over the last thirty years, most of them after 1980 and especially since 1985 to the United States and Europe, a phenomenon that is blamed on the worsening of the social and economic crisis in recent years.

13. As regards immigration from Haiti, available estimates, which are still very deficient and on the speculative side, put the figure at somewhere between 500,000 and 1 million, though there are no sources of information (censuses, records or surveys) to back up these estimates.

14. Recent trends in domestic migration and spatial distribution of the population can be summarized as follows:

(a) High geographical mobility. 3.4% of the population moved at least once in their lifetime, and 9% migrated during the period 1986-91.

(b) An average of 100,000 migrations a year within the country.

(c) Predominance of urban-urban movements, although rural-urban migration remains high.

(d) The National District is the prime centre of attraction for the rest of the country.

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[1] The Trujillo dictatorship imposed severe restrictions and controls on leaving the country. Obtaining a passport was a long and uphill process involving a painstaking investigation into the applicant by the government's "security" agencies, so that any citizen who obtained one had been through a rigorous screening process. Against this repressive backdrop, the case of women was even more restrictive, since, in order to be issued a passport, they had to submit an authorization from a father/brother/guardian (if unmarried) or from their husband (if married). The end of the dictatorship ushered in an era of more liberal international travel, most of which has been to the United States.

CHAPTER II

EVOLUTION OF THE ECONOMY

15. During the 1970s the Dominican economy underwent major transformations, evolving from a traditional agricultural economy to a mixed economy with heavy emphasis on the services, tourism and industrial sectors.

16. Up to the mid-1970s, the Dominican economy centered around the traditional export crops: sugar, coffee, cocoa and tobacco. Sugar accounted for 44% of the value of exports, and the sugar industry absorbed roughly 70% of industrial employment and more than 45% of the total employment of the economically active population.

17. Three quite distinct periods can be identified in the evolution of the Dominican economy:

(a) Period of concentrated growth (1968-77)

18. Marked by a preeminent import policy that coincided with a time of relatively plentiful foreign exchange from exports of raw sugar and traditional agricultural products, which made it possible to finance imports of raw materials and capital goods.

(b) Period of induced depression (1978-81)

19. The drop in external demand was met initially by an increase in government spending, financed by internal (1978-80) and external indebtedness (1978-81), with aggregate external debt rising from US$1,375.8 million in 1978 to US$2,549.1 million in 1981. Agricultural and industrial output stagnated, and the balance of trade gradually worsened.

(c) Period of industrial depression (1982-90)

20. The national currency was devalued. The average annual rate of exchange to the dollar went from 1.46 in 1982 to 2.91 in 1986 and to 12.5 in 1990. New taxes were enacted to fund public spending. At present the official rate of exchange is 14.00 Dominican pesos to one US dollar.

21. Real wages declined sharply while the cost of food rose significantly; in 1990 inflation reached 100.6%, its highest level in the last 40 years.

22. Beginning in 1991 a restrictive policy was pursued with respect to consumption, investment and money supply; this helped to curb the growth of inflation, which maintained a downward trend during the period until reaching 3.5% in 1996.

II.1 Macroeconomic variables

(a) Gross domestic product (GDP) in 1981-90

23. During the period 1981-90, the Dominican GDP at 1970 prices recorded an average annual increase of 1.5%, peaking at 7.87% in 1987, and its deepest depression in 1990 with a drop of -4.8% compared with 1989.

24. In the years when the country was signing agreements with the International Monetary Fund, GDP achieved minimal levels of growth or modest declines, e.g., a minimal increase of 0.27% in 1984 followed by negative growth of 2.6% in 1985. In real per capita terms, GDP recorded a decrease of 6.74% during the period 1981-90.

25. The most dynamic productive sectors in the GDP in 1985-89, such as construction, trade, hotels, restaurants and other services, were mainly driven by the heavy investments made by the central government.

26. During the period 1985-90, the country's external debt grew geometrically at 2.5% a year. In 1990 aggregate debt stood at US$4,312.9 million; this growth was primarily due to arrears in international payment commitments. Service payments on this debt fell by 47.9% compared with their 1987 level.

27. From 1991 to 1995 the Dominican GDP at 1970 prices grew at a rate of 1.22% and in real per capita terms recorded an increase of 1.13%.

II.2 Structural adjustment

28. Starting in 1983, the Government of the Dominican Republic found itself compelled to enact adjustment policies to correct distortions within the economy, mainly aimed at stabilizing the behaviour of such macroeconomic variables as growth and structure of the GDP, balance of payments, and government spending and investments.

29. 1990 brought renewed implementation of the structural adjustment measures set out by the IMF, which had been partially discontinued since 1986. As a result of the adjustment measures, public investment was reduced, leading to a real decline in the resources allocated to such social services as health, education, potable water and sanitation. Public investment sustained a drop of 19.5% between 1989 and 1990. This resulted in greater impoverishment of the middle and low income sectors due to the impact of the crisis, as reflected in:

- Higher rates of open unemployment and underemployment.
- Decline in the employment rate.
- Deterioration in public health and education services.
- Drop in GDP and real per capita wages.
- Increase in inflation, which rose to 100.6% in 1990.
- Devaluation of the currency.
- Bankruptcy among small agricultural producers supplying foodstuffs to the local market.
- Bankruptcies in the microenterprise and small business sectors.

II.3 Evolution of poverty in the Dominican Republic

30. There are structural factors responsible for the creation of poverty, such as uneven distribution of wealth and the structural crisis in the country's economy, but domestic and external cyclical conditions also increased and aggravated its magnitude.

31. In the Dominican Republic, 57.3% of the people fall below the poverty line, and in 1989 55.7% of them formed part of the urban population.

32. Economic and social indicators reveal that there has recently been a powerful upward trend in inequalities and lack of equity, a process directly reflected in the living and health conditions of the Dominican population.

33. Geographically speaking, most of the poor live in the subregions of Enriquillo, El Valle, Valdesia and Cibao Occidental.

34. The behaviour of some indicators, such as the nutritional state of children below 5 years of age, illustrates this trend, in that the proportion of malnourished children is 2.9% (stature/age) and 3.2% (weight/age) higher (22.6% versus 7.1% and 36.2% versus 12.4%, respectively) in the group of provinces with the worst living conditions (Independencia, Samaná and Bahoruco) than in the National District, whose readings give it relatively the best standing in the country.

I.3.1 Current status of poverty in the Dominican Republic

35. The World Social Development Summit took on the eradication of poverty as an ethical, social, political and economic imperative of humanity, in the face of a phenomenon which affects more than a billion people worldwide and is of special importance for the Latin American and Caribbean region.

36. The Dominican Republic is not immune to this reality. On the contrary, studies and estimates to date point to a persistent deterioration in the well-being of the population, particularly in light of the Social Summit's premise that a close link exists between poverty and lack of control over such resources as land, skills, knowledge, capital, and social relations.

37. Indeed, the 1980s were marked by a powerful retrograde process which was reflected in a steady growth in the number of people affected by poverty. According to data from the Central Bank of the Dominican Republic, this number rose from about one half of the population in 1984 (47.3%) to almost 6 out of very 10 Dominican citizens in 1989 (57.3%).

38. The increase in poverty also meant that conditions became relatively worse for those living in extreme poverty, the proportion of whom rose from 16% to 30% during this period.

39. The studies bring out significant differences, depending on whether the analysis is based on income or on unmet basic needs. However, rather than signifying an irreconcilable contradiction, these differences seem to provide elements that are complementary when it comes to interpreting the evolution of poverty in objective terms.

40. Merging the results of poverty measurements using these two approaches appears to bear out the proposition that, although the Government's economic policy in the late 1980s in the area of services and housing was instrumental in reducing the number of poor according to the unmet basic needs method, the domestic impact of this policy in terms of income was so great that the poor were hit hard by the increase in inflation and the consequent reduction in real income (Gómez, quoted in Ramírez, 1993).

41. The process of deterioration climaxed in 1990 with an inflationary spiral that resulted in a cumulative annual rate of 100% and therefore eroded the purchasing power of most Dominican nationals.

42. However, there is no consensus regarding the magnitude of the implications of the ensuing disequilibria. Whereas some assume that the changes rapidly caused poverty to become more widespread until by 1991 it affected 70% of the total population, other studies put the incidence of poverty no higher than 30% (24.48% in 1986, 27.4% in 1989 and 29.75% in 1992).

43. In more recent years poverty appears to have eased on the strength of the relative economic recovery that began in 1991. On the one hand, estimates of poverty among the population at large hover between 30% and 50%, while on the other its incidence is put at about 55-60%.

44. This picture seems in any case to point to a lessening of absolute poverty or to a smaller number of poor in the total population. However, the social indicators suggest that relative poverty has become more acute. In this respect it is noted that the wealthiest 20% of the population received some 60% of all income in 1994.

45. Regardless of which view one embraces, there is no doubt about the inherent complexity of the phenomenon of "poverty," its close correlation with the exclusionary nature of the development policy the country pursued during the 1980s and early 1990s, nor about the asymmetrical fashion in which it impacts the different sectors of the population, particularly in terms of the inequalities that persist between the sexes, between rural and urban ares, and the relative disadvantages between the country's regions and subregions.

46. In this context, the modernization process, defined almost entirely as technological development, cannot adequately explain the seriousness of the problem of social, economic, political and cultural exclusion that affects broad segments of society. Technological changes have brought with them a number of improvements for our society, but one of their most negative repercussions has been their tendency to marginalize, discriminate against, and exclude sectors of society, thereby hampering humane and sustainable development.

47. The new government installed on 16 August 1996 has made it its top priority to eradicate poverty, as a prerequisite for the country's adoption of a sustainable development process. To this end, it is vital to break down the poverty issue using the following indicators and typologies:

48. **II.3.2 Quantification of poverty and classification of households:** combining the Poverty Line (PL) method with the Unmet Basic Needs (UBN) method, to establish the differentiated impact which the changes that have occurred in the economy have had on the living conditions of the population.

49. For example, in rural areas unmet basic needs represent the predominant form of poverty, with 63.9%, compared with 15.3% in urban areas. The most seriously affected subregions are El Valle and Enriquillo in the Southwest region and, to a lesser degree, Cibao Occidental and Cibao Oriental in the Cibao region, and Valdesia, excluding the National District.

50. **II.3.3 Stratification of households by level of basic needs met:** A group of institutions headed by PAHO/WHO analysed poverty in the country in terms of three types: households with needs on average unmet (42.4% of urban and 31.7% of rural households); households with needs largely unmet (63.9% in urban and 15.3% in rural areas); and households with basic needs met (42.3% in urban and 4.3% in rural areas).

II.3.4 Typology of poverty:

60. *[Paragraph numbers in the original skip from 50 to 60. Translator]* **Structurally or chronically poor** refers to those who are unable to meet their basic needs and do not earn enough to cover their food needs. These are people who have lived in poverty for long periods. In 1984, 47.7% of all poor households fell into this category, compared with 37.2% in 1989.

61. **Cyclical or more recent poor** refers to those with income levels that do not at present allow them to buy a minimum basket of goods and services since prices have outstripped their income, even though their basic needs are met.

62. It is this group that is the most affected by the crisis; it shows the greatest relative growth, rising from 13.4% in 1984 to 50.5% of all poor households in 1989.

63. **Inertial poor** are defined as those with upward mobility who are above the poverty line or have enough income to buy minimum goods and services, but do not have all their basic needs met. Unlike the previous groups, this group seems in relative terms to be shrinking significantly, since in 1989 it represented only 12.3% of all poor households, compared with 38.9% in 1984.

64. **II.3.5 Feminization of poverty:** The 1995 World Development Report stresses that poverty attacks women to a growing and persistent extent. Indeed, this report estimates that, of the 1,300 million poor in the world today, 70% are female.

65. In the Dominican Republic no current aggregate statistics are available on the incidence of poverty by sex, although most economists feel that economic adjustments have in fact caused greater deterioration in the situation of women.

66. A case in point is the substantial difference between the proportions of unemployment of both sexes: data from ENDESA-96 put the male rate at 11.8% and that of women at 46.7% (ENDESA-90), compared with 10.2% and 28.7%, respectively, in 1996 (Survey of Labour Force, Central Bank).

67. Wage data also offer a rough proxy for gender differences in poverty. 65% of employed women earned less than RD$1,200 a month, a figure that is nuanced by the fact that most work in the informal sector of the economy and in lower-income and poor-quality occupations.

II.3.6 Impact on social spending

68. The restrictive public investment policy imposed by the economic adjustments agreed with the IMF triggered a drastic drop in the Government's social spending. Total resources allocated to basic education fell from 13.7% of public spending in 1985 to 6.6% in 1989 and stood at 8.2% in 1994.

69. Similarly, spending on health was reduced by 22.7% between 1985 and 1989, accounting for 7.5% of the total national budget in 1985 and 5.8% in 1989. The cut in social spending by the Government had the effect of lowering the quality of public education and reducing the coverage and quality of health services to the population.

70. Internal migration to urban centres offering better living possibilities, spurred on by the deteriorating living conditions among the middle and low-income groups, served to aggravate the squeeze on health, education, power, housing and sanitation services, as well as to compound urban planning difficulties in the capital, Santo Domingo, and other urban centres that exert pull, such as Santiago and Macorís.

71. It also aggravated the housing situation; the projects carried out came nowhere near covering the cumulative housing shortfall, let alone meeting the housing demand created by the formation of new households. Public investment in this sector declined by 29.1% between 1985 and 1989 and by a further 64.7% between 1989 and 1994.

72. In summary, the social impact of the adjustment policy was reflected in more widespread absolute and relative poverty in broad sectors of the population and caused relatively greater unemployment among women. Poverty, unemployment and the lack of social and gender equity constitute the chief threat to social integration and democracy in our country.

III. PRINCIPLES OF THE NEW GOVERNMENT POLICY

73. The policy of the Government of the Dominican Republic installed on 16 August 1996 is predicated on the principles of equity, justice and effectiveness, and on a market-driven socioeconomic approach that ensures an end to the exclusion and marginalization of social and population sectors, as well as the preservation of natural resources.

74. In this respect the fundamental policy guidelines are as follows:

1. Consolidation of democracy, the rule of law, respect for the rights of men and women, and basic freedoms.

2. Government reform, modernization and institutionalization.

3. The elimination of poverty.

4. Education for all, based on a strategy aimed at broadening the coverage and enhancing the quality of basic education.

5. Sustained economic and social development, with emphasis on alleviating poverty and protecting the environment.

6. Entry into the world economy through the active participation of the country's productive sectors.

7. Promotion of capitalization and greater efficiency in the agricultural sector and in small and medium-sized businesses.

8. Improving the legal basis and rules of competition to create a climate of optimism and trust for private investment.

III.1 National programme to reform and modernize the Dominican Government

75. Reforming and revamping the Government means creating a new set of democratic institutions, with a new kind of relationship between government and society at a historic juncture in our country, where there are signs of instability with respect to the changes and transformations that society demands.

76. These changes, which involve the country's economy, politics and culture, are needed to respond to society's growing demands for a life of dignity and for institutions that are both transparent and efficient, with the guarantee and the certainty that citizens' rights will be respected.

77. This calls for a collective process of building the future of the Dominican Republic and will need to involve the establishment, the political parties, and civil society as a whole.

III.2 Design of government reform

78. Government reform is conceived as a process aimed at bringing about meaningful changes in the way the government operates, as the outcome of a process of social consensus-building. Reform is predicated on substantive changes in some of the state's basic roles and its present framework of relations with society, so as to make this framework a crucial factor in building an increasingly equitable and pluralistic society. These changes entail redefining the traditional functions of government and affect all its branches. The end-result of this process will be the establishment of a new social pact to regulate and guide a new form of social coexistence, to be reflected, in turn, in a new institutional set-up.

79. Modernization of government is seen as the process by which conditions will be created for efficiently implementing the newly defined role and functions of government, especially the processes of public administration, through the implementation of procedures, technology and know-how tailored to its new role and to the need for greater responsiveness, effectiveness and transparency for the benefit of the country's citizens. In other words, the development and appropriate application of rational policies to administrative processes, so as to assist in institutionalizing and enhancing the efficiency of the Dominican Government and obviate socially undesirable practices in the area of public administration. The goal, therefore, is to develop effective means - processes, instruments, etc. - to achieve the mission of each government institution.

III.3 Purpose and overall content of government reform and modernization

80. The basic purposes of government reform and modernization are as follows:

1. To assure that the institutions of the Dominican Government represent and serve the citizens in a stable manner and are guided by a growing commitment to satisfying citizen demands and performing their respective functions.

2. To expand and consolidate the democratic institutions of Dominican society so as to foster an appropriate blend of representation and participation.

3. To guarantee sustainable economic development so as to steer the country towards a meaningful reduction of social inequities, by implementing a development model that forges a harmonious relationship with nature.

4. To promote a just social order in which all citizens are assured of equitable access to opportunities for personal development, within a newly reborn country built on solidarity and social responsibility.

III.4 Type of government to be constructed

81. As an outgrowth of the reform and modernization process, the goal is to gradually consolidate a government:

1. With a firm national commitment against a backdrop of powerful worldwide trends towards globalization. With the capacity to combine a strengthening of the national identity with an appropriate openness to dialogue with the other identities which make up the international community.

2. With mechanisms for representation that afford a steady deepening of their legitimacy and an appropriate channel for conflicts and disputes; that encourage and assure the right conditions for participation; that foster the consolidation of civil society; and that deepen the rule of law and the democratization of society.

3. That assures transparent, efficient, effective and decentralized governance so that citizens can be properly served and clearly see that public resources are being properly managed.

4. That guarantees attainment of its human development targets, notably the eradication of conditions that breed poverty.

III.5 Strategic areas of government reform and modernization

III.5.1 Reform and modernization of public administration

82. **Scope:** In this area it is considered vital to mount a sustained effort to reorganize and increase the efficiency of the government's administrative apparatus. This means redefining, revamping and appropriately realigning the organizational structure and day-to-day operation of the public administration to match the needs of policies, functions and roles aimed at achieving the overall reform goals and the development targets set by the national government. As part of this effort there is also a need to democratize public administration, as an administrative arm of government, which entails developing the necessary capacities to promote citizen involvement and organization, to foster and facilitate citizen participation in public affairs, and to achieve greater internal democratization by decentralizing, delegating and transferring government functions.

83. **Basic measures and actions:** Achievement of these goals calls for a strategy that encompasses actions and measures aimed at institutionalizing the structure, systems and instruments of action used by the public administration, so as to consolidate its legal standing, strengthen its capacity for renewal, transparency and openness towards society, and make it an effective support for a genuine government of law and order.

84. By the same token, actions will be promoted to make government management more professional and more attractive to national talent, so that it can retain, develop and harness the human potential and service-mindedness of civil servants.

85. Finally, measures will be adopted to substantially enhance the effectiveness of public administration, making it an institution that adds value and endowing it with instruments for planning, measurement, and monitoring its impact on critical development indicators.

III.5.2 Constitutional reform

86. **Scope:** Reform of the Constitution, the basic law of the Republic, is seen as one of the central elements in the process of government reform and modernization and in its underlying legal and political rationale.

87. This is because it represents at this time the response to a social aspiration and will allow the incorporation of the new vision of the state and its relations with society which flows from the ongoing momentum to reform and modernize, to deepen democracy, and to consolidate the rule of law.

88. Reform of the Constitution will be carried out using the mechanism of a Constituent Assembly and will seek to make this effort a citizen crusade and an exercise in participation leading to a social and political pact.

89. **Basic measures and actions:** The setting for promoting this effort will be two nationwide consultations. This consultation process must enable a consensus to be forged on the mechanisms for organization and participation that will pave the way for the formation of a representative and suitable Constituent Assembly responsive to the country's best interests.

90. A prior step to carrying out the Constitutional Reform will be to submit to the Congress a bill for appropriate amendments to the articles dealing with the amendment procedure, in order to provide proper legal foundation for convening a Constituent Assembly by direct ballot in 1998.

III.5.3 Judicial reform and consolidation of the rule of law

91. **Purposes:** The reforms to the Judicial Branch constitute a key element in deepening the rule of law. They take the form of an effort to broaden the regime of citizen guarantees and assure its effectiveness; and improvements to the justice administration system through actions and measures to endow it with the human, financial and technological resources and the powers and capacity that are essential if it is to achieve genuine independence and improve its effectiveness.

92. As a step in this direction, the post of Commissioner for Reform and Modernization of Justice (CRMJ) has been established as a focal point for formulating plans and bills aimed at responding to the objectives set in this area.

93. **Actions and measures:** To achieve the objectives indicated, three kinds of actions will be undertaken: training, institutionalization, and adoption of specific public policies.

94. In the area of training, and with a view to consolidating a justice administration that is technically and ethically beyond reproach, there is a need for well-thought-out training plans that can ensure that the human resources involved will receive the necessary vocational and specialized training.

95. Accordingly, in the training area priority will be given to revising the processes by which future lawyers are trained, the aim being for the programmes of instruction to be responsive to the basic and growing needs of legal professionals, in a world in which economic and social relations are becoming increasingly complex, and in keeping with the process of sector reform and modernization.

96. Moreover, if Dominican justice is to operate as it should it needs adequate, specialized training for its judges and prosecutors on whom responsibility for the administration of justice rests. Accordingly, a National Magistrates' School will be set up to assure the training of judges following a competitive entrance examination to guarantee equal access and objectivity in the selection process. This school will provide both initial training programmes and continuing education programmes to keep this body of professionals, as well as other legal assistants, up to date.

97. As far as institutionalization is concerned, and with it the initial and continuing training effort, the judges and prosecutors, upon entering the National Magistrates' School, will be launched on a legal career path. The object of this will be, through enactment of a Judicial Career Path Act, to regulate conditions for advancement which will ensure that, based on objective criteria with respect to step-wise progression, the right climate is created for this administrative corps of legal professionals to operate and maintain its standing, with equitable conditions for the development and compensation of every member of the system. This act will also include regulations for a disciplinary code that will guarantee oversight and effective controls over the performance of judges and prosecutors, to ensure that the exercise of authority remains rigorously within the law.

98. In terms of specific public policies, policies will be developed that offer effective support to the sound administration of justice. They will focus mainly on improvements to the physical facilities which serve the purpose of justice, namely both courtrooms and penitentiaries, as well as on both preventive and punitive policies to fight corruption.

III.5.4 Social reform and sustainable human development

99. **Scope:** Social development is a basic purpose of government action and will need to be given central attention in the reform and modernization process since it constitutes a key instrument in building justice and social equity and in combating poverty.

100. The reference point for government action in this area must be the Social Development Plan, the product of a consensus-building effort between the state and sectors of Dominican society, in the context of compliance with the commitment assumed at the World Social Development Summit. The need for a social effort to alleviate poverty, coupled with the pressing need to pay priority attention to the most vulnerable segments of the population, calls for public policies and institutions that will help to elicit responsible assistance from everyone and assure a sustained effort in the field of social investment, as outlined in the Plan.

101. To achieve these purposes, measures will be promoted to revise and redefine the ways in which the entities committed to formulating and implementing the social policies are organized and operate; systems will be developed to budget and target social spending, to allow more effective action on behalf of the most vulnerable population groups; and mechanisms will be devised to encourage participation by the different sectors in monitoring and pursuing the social policies and the National Social Development Plan.

102. Efforts will similarly be made to integrate and link the institutions in the sector, and to modernize key sectors, such as social security, health and sanitation, while providing legal frameworks conducive to their modernization and adequate funding for their modernization processes.

103. Broad and sustained support will be encouraged for strategies which, while part of a national development strategy, are aimed at fostering private and public investment in the creation of productive jobs, access to credit, and improvements in income.

III.5.5 Decentralization of government and municipal development

104. **Scope:** Decentralization of government and municipal development form a key strategy in the process of government reform and modernization. It is conceived as a process for building a new form of government organization and facilitating a new relationship between the state and society.

105. Accordingly, decentralization will be designed as a process for transferring responsibilities, jurisdictions, resources, decision-making power and institutional capacity from the central level to the city councils, as local governing and administrative bodies, and for strengthening municipalities as basic units of state administration and government. Its implementation will be accompanied by arrangements for sectoral, provincial and regional deconcentration and delegation that will make public administration more responsive and bring decision-making on public services closer to the bodies closest to their users, in tandem with the actions taking place in terms of the structure of the state.

106. Decentralization must be an outgrowth of two coordinated movements. On the one hand, it must move ahead in constructing a municipal system seen as a branch of government for administering the municipal territory, with its own regime of political, financial and fiscal, and administrative autonomy consistent with the demands of local development, reform of the state, and the progressive development of its own institutional capacity. On the other, it will oversee the building of a set of decentralized national public institutions to forge a new relationship between the sectors and territories and between these and the citizenry.

107. **Actions and measures:** It is planned to promote citizen training and education programmes conducive to the exercise of local accountability and commitment; to strengthen the municipal system by handing over responsibilities, resources, functions and power from the central to the local level; and to strengthen the local councils by transfers and measures aimed at facilitating the joint delivery of some public services by them and other government agencies. Special emphasis will be placed on the development and proper functioning of the Provincial Development Councils as bodies for inter-municipal consensus-building and participation by the various local actors.

108. Similarly, there are plans for reforms to municipal legislation and to write the municipal system into the Constitution, to create electoral districts in the major land subdivisions, and to foster new forms of citizen organization and participation. In this field, preference will be given to actions such as devising a system of support services in training and information that will enhance local management capacities and develop municipal career paths, in addition to overhauling the organizational structure of the Dominican Municipal League.

III.5.6 Reform of politics, political parties and electoral law

109. **Scope:** In the context of the country's political tradition, with its record of marked institutional fragility and dominated by an elitist vision of democracy based on an order imposed from the top down, the main challenge is to make democracy a broad, participative and substantive process that can

accommodate social and political diversity. In the discussion of the task of reform and modernization, this fact focuses attention on the issue of the authoritarian political culture which has held sway in the country, and on the mechanisms for representation and participation that are vital to the exercise of democracy. These two topics are fundamental to guaranteeing the exercise of democracy and citizen rights, which is why it is a challenging task to engage society in these issues.

110. The fundamental importance of this specific task of reforming the political parties and the electoral system, within the broader spectrum of political reforms, is defined primarily by its key role in regulating the institutionalization of a democratic political system, both as a vehicle for grouping a plurality of interests, respecting differences and minorities, and strengthening the democratic rules of the game, and as a vehicle for consensus-building. And secondly, by its strengthening of the necessary mechanisms to guarantee – with the aid of citizen participation seen as a combination of set rights and duties – the establishment of new forms of government-society relationships based on the quest for mutual understanding and action by the different sectors of the country. All this, beyond the positive divergences of view in any democratic system, to enable us to prepare the country, in the best possible manner and as a universally shared responsibility, to face the challenges of the twenty-first century. The aim in a nutshell is to constitute the rule of law and order in the Dominican Republic as a prerequisite for building a democratic order.

III.5.7 Modernization of the Legislative Branch

111. **Scope and purposes:** The basic purposes pursued in the reform and modernization of the Legislature centre around facilitating, with due regard for the independence of this branch of government, improvements in the way it represents the electorate by pressing for an overhaul of representation in the Senate, the creation of electoral districts, and the establishment of seats to allow participation by minorities in both chambers. An important element of these improvements will also be to bring the Congress closer to the citizenry through the possibility of using of mechanisms for oversight. Also, to give it a meaningful capacity and responsibility to approve the National Development Plan and to approve and oversee execution of the government budget. Furthermore, to create and elect, jointly with the Executive Branch, the Attorney General, who bears responsibility for prosecuting drug trafficking and administrative corruption.

112. To improve the performance and scope of the Congress's function, it will be necessary to promote reforms that endow it with essential human, financial and technological resources and skills.

CHAPTER IV

INFORMATION RELATING TO THE ARTICLES OF THE CONVENTION

Articles 1 and 2. Discrimination and policy measures

113. The Constitution of the Dominican Republic does not explicitly embody the principle of equality between men and women, although it does recognize the citizenship rights of both sexes in Article 12, which states: "all Dominicans of either sex are citizens...." In the context of individual and social rights it does not refer to men or women but to human beings. Article 8 reads: "It is recognized as the primary purpose of the State to provide effective protection for the rights of human beings and to uphold the means whereby they may advance progressively within an order of individual freedom and social justice compatible with good public order, the general well-being, and the rights of all." Article 336 of Law No. 24-97 amending the Penal Code proscribes discrimination on the basis of sex: "Any distinction made between individuals based on their origin, age, sex, family situation, state of health, ... shall constitute discrimination...."

114. In terms of legislation, very important changes have been enacted in the Dominican Republic to advance the cause of women. They take the form of amendments to some of the codes and special laws, for example: Penal Code; Code of Criminal Procedure; Code for the Protection of Children and Adolescents; amendment of the Agrarian Reform Act; Labour Code, as well as the discussion in the Dominican Congress of bills containing measures promoting changes in the situation and status of women, including: the Child Day Care Bill, the General Health Act, the General Education Act, and the Elections Act. The legislative drafting process, as well as the debates, consensus-building and negotiation of these bills in both chambers of the legislature, was participated in by broad segments of civil society, notably the women's movement, women members of Congress, and several specialized government departments, in particular the Department for the Advancement of Women.

(a) Amendments to the Penal Code

115. By means of Law No. 24-97 of 28 January 1997, amending the Penal Code and the Code of Criminal Procedure, which contains legislation on violence, discrimination and desertion of the family.

116. The Penal Code in effect at the time of amendment viewed sexual violence as an offence or attempted offence against modesty. It also defined illicit normal intercourse as a violation, and penalties were therefore correctional in nature. The amendment classifies and prescribes penalties for violence against women and domestic and intra-family abuse; it defines and prescribes penalties for sexual assaults; penalties for procuring and trafficking in women; defines and prescribes penalties for desertion of family; and penalties for discrimination. Some of the amended articles are presented below:

Article 309-1 Abuse of women is defined as any action or behaviour, public or private, on the basis of their gender, that causes them physical, sexual or

psychological harm or suffering through the use of physical force or psychological or verbal abuse, intimidation, or persecution.

Article 309-2 Domestic or intra-family violence is defined as any pattern of behaviour through the use of physical force or psychological abuse, verbal intimidation or persecution against one or more members of the family or against any person in a relationship of cohabitation, against the spouse, former spouse, common law spouse or former common law spouse, or consensual partner, or against the person with whom a child has been procreated, such as to cause physical or psychological harm to his or her person or damage to his or her property, committed by the father, mother, guardian, trustee, spouse, former spouse, common law spouse, former common law spouse, or consensual partner, or person under whose authority, protection or care the family has been placed.

Those found guilty of the offences set forth in the two preceding articles shall be sentenced to not less than one year nor more than five years in prison and a fine of five hundred to five thousand pesos and the restitution of any goods destroyed, damaged or concealed, as the case may be.

Article 330 Sexual assault is defined as any sexual act committed with violence, coercion, threat, surprise or deceit.

Article 331 Rape is defined as any act of sexual penetration, of whatever kind, committed against a person with violence, coercion, threat or surprise.

Rape shall be punishable by ten to fifteen years of imprisonment and a fine of one hundred to two hundred thousand pesos.

However, the rape shall be punishable by ten to twenty years of imprisonment and a fine of one hundred to two hundred thousand pesos if committed against a person who is particularly vulnerable on account of her pregnancy, disability, or physical or mental incapacity.

It shall also be punishable by ten to twenty years of imprisonment and a fine of one hundred to two hundred thousand pesos if committed against a child or adolescent, whether by threat with a weapon or by two or more offenders or accomplices, whether as a legitimate, natural or adoptive ascendant relative of the victim, or by a person with authority over her, or by a person who has abused the authority conferred upon him by his duties, all without prejudice to the terms of Articles 121, 126 to 129 and 187 to 191 of the Code for the Protection of Children and Adolescents (Law 14-94).

Article 332 Identical punishment shall apply to any person in a common law partnership who engages in a nonconsensual sexual activity in any of the following cases:
(a) Through the use of force, violence, intimidation or threat;
(b) If the ability to resist has been neutralized without consent by any means;
(c) When because of illness or temporary or permanent mental incapacity the victim is unable to understand the nature of the act at the time it is committed;
(d) When a partner is compelled or induced by physical or psychological violence to take part or be involved in an unwanted sexual relationship with third parties.

Article 332-1 Incest is defined as any sexual act committed by an adult through deceit, violence, threat, surprise or force on the person of a child or adolescent to whom he is related by ties of natural, legitimate or adoptive parenthood to the fourth degree or by ties of affinity to the third degree.

Article 332-2 The offence defined in the preceding article shall be punished by the maximum prison sentence without those found guilty of it being allowed to plead extenuating circumstances.

(b) Amendments to the Agrarian Reform Act

117. The Agrarian Reform Act was amended by Law 55-97. It treats the woman and the family unit as the subjects of agrarian reform, thereby obviating the discrimination against women established by the earlier law. This amendment lays down the principle of equality in all benefits, obligations and legal proceedings. Some of the main articles are presented below:

Article 13 State-owned lands shall be used as best benefits the rural working masses, small farmers, both sexes, and the country at large.

Article 14 The Agrarian Institute shall establish and distribute state lands assigned to it in such sizes and with such facilities as to constitute genuine family units on which families of low-income farmers shall be settled. To this end, when the state obtains large private estates, if the Agrarian Institute so decides, they shall also be distributed to farmers selected in pursuance of the new law.

PROVISO A family unit is defined as the spouse, common law spouse, or either, and the children procreated by both, who are engaged with the father and mother, or one of them, in farming the plot.

For all legal purposes, the family unit shall be represented by the spouse, or the common law spouses jointly, or, should either die, by the survivor.

Article 42 If, before having obtained title or full ownership of the plot, a smallholder dies, the other members of the "family unit" shall be entitled, pursuant to the proviso of Article 14 hereof, to continue to own and manage such plot and shall remain in compliance with the terms of the Conditional Sales Contract. However, if the remaining members of the family unit cannot agree on joint farming of the plot, the Institute may take it back to use it or redistribute it as it shall deem fit, in accordance with the provisions of this law. In such cases the Institute shall compensate the family unit for the value, at the time of death, of the land and improvements thereon, after deducting whatever debt to the Institute or other state agencies the family unit may have contracted.

(c) Amendments to the Labour Code

118. In 1992, a new Labour Code was enacted to replace the 1952 Code. Since 1978, when Law 855 amending the Civil Code was passed, no substantive changes had been made in our legislation to benefit women, so that this new code represents a step forward in this direction.

119. The earlier code contained regulations that discriminated against women in terms of labour, in that it provided for a sex-based division of labour according to the old Principle VII, which read: "women may not engage in work that is not appropriate to their sex." The present code categorically establishes men and women as equals in the arena of labour.

120. The new wording of Principle VII is: "Female workers have the same rights as male workers." The basic purpose of the special provisions in this code are "to protect motherhood." This means that there is no distinction whatever between the rights and obligations of male and female workers, the only special provisions being those needed to guarantee the perpetuation of society.

121. The new code thus introduces legal provisions aimed at guaranteeing working women continued employment during pregnancy and in the months following childbirth. Article 232 of the Labour Code declares null and void dismissal by the employer during the period of gestation and up to three months following the date of the birth. Similarly, Article 233 of the code provides that a woman may not be fired from her position of employment on the grounds of pregnancy and submits such a dismissal during pregnancy and up to the sixth month following childbirth to a special proceeding.

122. The Law also establishes measures to protect the health of the expectant mother and child during pregnancy by prohibiting her from performing work that requires a physical effort incompatible with her condition of pregnancy.

123. A novel feature of the new Labour Code is that it provides for special leave of one half day every month during the first year for the working mother to take her baby for a pediatric consultation. It also makes it easier for the mother to exercise her right to breastfeed her child by providing in Article 240 that: "During the period of lactation the female worker is entitled, in the workplace, to three at least 20-minute paid breaks during the day to breastfeed her child."

124. Article 236 establishes the right to pre- and post-natal leave. Although there was a provision for special leave for the mother, the law did not guarantee pregnant women the possibility of accumulating pre- and postnatal leave for the benefit of the child and of its being breastfed.

125. Similarly, with the intent to extend the time the mother can remain with her child, Article 238 provides that: "When a female worker asks to be granted her vacation time, immediately after her post-natal leave, the employer is obliged to grant her request."

126. Clearly, the option granted the female worker can be exercised only if she has already earned the right to vacation time, which means that the mother could be out of the company or workplace for about the first three and a half months from her baby's birth, receiving her regular wages and with her position guaranteed with all attendant rights, so that in principle there is nothing to prevent her, if she so decides, from breastfeeding her child in the normal way during this period.

127. Domestic service, despite its being a category that absorbs a large proportion of female labour, was not regulated under our labour laws, a situation which lent itself to all manner of arbitrary behaviour, labour abuses,

and discrimination. The new code promulgates rules on return for labour; work days; rest breaks; vacations; and labour benefits.

(d) Law 14-91 on the Civil Service and Administrative Career Path and its Implementing Regulations 81-94 of 20 May 1994

128. This is the Labour Law for the public sector; its main clauses provide as follows:

Chapter V, Article 21: the right to training of civil servants who work in the public administration, with a view to enhancing efficiency in the sector.

Chapter VI. Article 22: grants all personnel who work in the public administration the right to obtain leave, permits and other relevant authorizations upon severance.

Chapter VII. Articles 26 and 27: sets out annual vacation and the Easter bonus.

Article 26 establishes entitlement to 15 days' vacation for a minimum of six months and a maximum of five years of uninterrupted work.

Those who have worked for between five and ten years are entitled to 20 days' vacation.

Those who have worked more than fifteen years are entitled to 30 days' vacation, which do not include non-working days or weekends.

Easter Bonus. Chapter VII, Article 27: establishes the entitlement of civil servants to receive their Easter bonus, equivalent to one year's salary, after three months of work in the public administration.

(e) Process of amending the Civil Code

129. There have been no new amendments to the Civil Code since 1978, so that measures discriminating against women still persist. They include Universal Community as the common law regime, administered by the male spouse, the dowry system, and the immutability of Marriage Agreements. Notwithstanding this situation, the Department for the Advancement of Women, in coordination with the women's movement and congresswomen, has drafted a number of bills to amend this code. The Dominican Government, through Decree No. 104-97 of 27 February 1997, ordered that this and other codes be revised immediately.

(f) Approval of a General Education Act

130. The Constitution of the Dominican Republic recognizes education as one of the individual and social rights of citizens. The Dominican Government is pursuing a broad process to reform education and, as part of that effort, the General Education Act was passed. This new law includes important features that benefit women, notably its entire conceptual framework, its educational principles, and overhaul of the curriculum.

131. Regulation of the entire education system falls under the new General Education Act, Article 4(A) of which establishes the right to education without discrimination on the grounds of, among other things, gender. It also

establishes the principle of equality of educational opportunities for all persons. Article 5(C) states: "To educate in order to learn dignity and the equality of rights between men and women." Sexual equality is established in Title XII, Chapter 1, Article 214, on general and transitory provisions.

(g) Process of discussing a General Health Act

132. At the time of writing, a draft General Health Act is being debated in the National Congress. It was prepared with broad participation by several sectors of civil society, political parties, members of the Congress, and government agencies. It introduces changes in the health system, presents a new vision and overall concept of health, acknowledges sexual, psychological, physical and family abuse as an issue that affects the health of women, broadens the coverage of health services for women, proposes measures to lower maternal mortality, and recognizes sexual and reproductive health as a woman's right.

(h) Child day-care bill

133. Also being debated in our legislative chambers is a bill on child day-care centres. Its goal is to create an environment in which working women have access to a service that allows them to become involved more actively, and on equal terms, in the country's process of economic, political and social development. The division of labour between the sexes confers greater responsibility for child care on women, limiting their role in the development process.

Article 3. Human rights guarantees

134. In addition to taking legislative measures, the Dominican Government has adopted national and international mechanisms to ensure their implementation, help reverse the cases that still exist of marginalization of women and discrimination against women, assure true integration of women into development, promote protection of their economic, social, civil, political and cultural rights, and enable women to play an effective part in the forums where power is wielded and decisions made.

135. Decree No. 46 of 17 August 1982 created the Department for the Advancement of Women (DGPM) for the purpose of planning specific projects aimed at promoting women and coordinating all the programmes being carried out by the various state or private organizations, both national and international.

136. The DGPM, as the highest-ranking agency for shaping the government's gender policy, is endeavouring to help remove the barriers that limit the advancement of women and to overcome the social, economic, political and cultural obstacles that keep them on an unequal footing with men.

137. In the legislative field, it operates by pushing for reforms to the codes and special laws that have a discriminatory impact on women, and by using the various communications media to disseminate, to citizens at large, those amendments that favour women and urge them to avail themselves of the legal instruments which protect their rights.

138. The agency provides advice to the Executive Branch and government bodies in the formulation and adoption of policies to ensure that women are genuinely

incorporated into development and that discriminatory obstacles which still persist are removed. In this connection, the DGPM has technical cooperation agreements with, among others, the Attorney General's office in the National District, the National Police, the Ministry of Public Health and Social Welfare, the Dominican Red Cross, the Agricultural Bank (Banco Agrícola), the Dominican Export Promotion Centre, the Industrial Development Corporation, and the Ministry of Agriculture (see annexes).

139. The DGPM is entrusted with overall monitoring of the agreements, pacts, conventions, instruments and mechanisms involving women that have been entered into by the Dominican Government, both nationally and internationally.

140. It maintains ongoing coordination with the women's movement in carrying out actions and events to benefit women, jointly monitoring plans and strategies through the exchange of information and consultations on aspects of general and common interest.

141. At present, a commission composed of the Department for the Advancement of Women, congresswomen from the different parties, and organizations within the women's movement are working on a draft bill to elevate the DGPM to a Ministry for Women. This new status would give it greater influence in policy-making to benefit women and greater scope for participation in state forums where decisions are taken and power exercised.

142. By Decree No. 66-95 of 18 March 1995 the Dominican Government created the National Committee for Monitoring the National Plan of Action of the Fourth World Conference on Women, which is chaired by the Director-General for the Advancement of Women and composed, among others, of the heads of the Technical Secretariat in the Office of the President, the Ministries of Foreign Relations, Education and Culture, Agriculture, Public Health, the Attorney General of the Republic, the National Planning Office, the Archbishop of Santo Domingo, the Executive Secretary of the Evangelical Church, the Coordinator of NGOs for Women's Issues, the Research Centre for Feminine Action, and Women in Development (see annex).

143. The commission will follow up and monitor the National Plan of Action for Equality, Development and Peace, which picks up the main actions and measures of the Dominican Government to guarantee equality of women and break down the barriers of discrimination by the year 2001, as well as the regional and international commitments assumed by the country in connection with that conference.

144. By Law 605 of 21 June 1995 the Dominican Government ratified the "Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women." This step marked a very significant achievement, since our legal framework presented major lacunae in terms of the treatment and management of violence against women. Ratification of this convention has proved highly instrumental in amending our laws to respond to the commitments which the convention entails for us.

145. The Dominican Government operates programmes in different departments dealing with specific aspects of the situation of women. The principal programmes are discussed below:

(a) Unit on Women, in the National Planning Office, which compiles and analyses statistical data and offers gender training to different planning offices.

(b) National Council on Population and the Family, through which the National Family Planning Programme is run.

(c) Community Development Office, which works at the community level to promote and organize women in carrying out community development projects and actions.

(d) "Educ-Mujer," in the Ministry of Education and Culture, through which plans are developed to reduce sexism in education.

(e) Division of Peasant Women and Rural Organization, in the Ministry of Agriculture, which encourages productive projects run by peasant women.

(f) Consultative Council of the Department for the Advancement of Women, made up of a number of government agencies (see annex).

Article 4. Special measures

146. The Dominican Government has taken no special temporary measures, in either legislative or regulatory terms, to hasten equality between men and women. However, it is spearheading programmes with special emphasis on women that are designed to dismantle gender inequity; foremost among these are the agrarian settlements for women and the programmes to support women's microenterprises.

147. At the time of writing, there is under study in the legislative chambers a draft bill to amend the current Elections Act No. 5884. Drafted by the Central Electoral Committee, it provides that political parties and groupings must employ at least 30% women in congressional and municipal positions. If passed, this would be the first measure of positive affirmation of women in the annals of Dominican legislation.

Article 5. Stereotyped functions and prejudices

148. In our country, the process of social and historical construction is marked by the persistence of a combination of cultural patterns, beliefs, values and attitudes which assign roles and functions to men and women that have a discriminatory effect and limit their real involvement in development.

149. Domestic service is seen as inherent in the nature of women and part of being female; it is therefore not valued socially, nor recognized as an occupation. Until 1992, paid domestic work was not legally regulated, a situation that changed only with the amendment to the Labour Code. This situation has a negative impact on the process of incorporating women into development, since they find themselves hard put to gain equal footing with men because of the two- or threefold burden of labour they have to take on if they are exclusively or largely responsible for the home. Nevertheless, in the last decade there are signs that men's behaviour is changing significantly when it comes to household responsibilities.

150. Culturally, women are socialized in terms of their childbearing role, which transfers to women most of the responsibility for socializing their children and holding the family unit together. The growing number of women entering the workplace, their participation in politics, and their improved access to education are helping to turn this situation around.

(a) Violence against women

151. We have no overall statistics on violence against women. The data we handle come from case studies and from local diagnostic surveys on particular aspects of violence. According to these estimates and studies, violence is the sixth leading cause of death among women. It is estimated that a rape occurs once every six hours in our country. The foremost manifestations of violence are intra-family and sexual abuse, rapes, sexual persecution, incest, physical and psychological abuse, and sexual trafficking in women.

152. According to estimates, one in every six Dominican women is or will be a victim of **physical violence** in her lifetime. In 1995, national police records showed that, of all homicides committed against women, 5.5% were accompanied by sexual violation and 50.9% were classified as "crimes of passion" (Quehaceres, November 1995). It is important to note that these data are greatly understated. Figures from the Attorney General's office in the National District tells us that between 15 and 20 complaints of violence are filed every week.

153. Sexual and intra-family abuse is a direct consequence of sociocultural patterns of male behaviour. It is subtly reinforced through the media and the social make-up of males. Women are socialized to look upon it as natural and are therefore afraid to report it so as not to be blamed, which in turn helps to aggravate the under-recording.

154. The problem of violence has been a particular concern of the Dominican Government, the Department for the Advancement of Women, the women's movement, and the non-governmental organizations which have programmes targeted to women. In this connection, the following actions are being pursued:

(a) Amendments to the Penal Code, Code of Criminal Procedure, and the Code for the Protection of Children and Adolescents, through Law No. 24-97 of 28 January 1997, which contains legislation on violence against women. Enactment and subsequent promulgation of this law is the outcome of a long struggle on the part of the Dominican women's movement.

(b) Ratification of the "Inter-American Convention to Prevent, Punish and Eradicate Violence Against Women."

(c) The Department for the Advancement of Women (DGPM), as the steering organization for public policies in favour of women, is the vehicle for implementing a National Programme to Reduce Violence Against Women. This enjoys high priority among the agency's programme approaches. Through it, the following activities are being conducted:

- The nationwide campaign, "There is no reason for abuse," whose goal is to heighten awareness about intra-family violence and sexual persecution. It runs radio and television spots and distributes advertising materials, such as stickers, posters and buttons.

- Sensitization and training workshops targeted to: law enforcement, judicial and prosecuting authorities, lawyers, health personnel, women leaders in districts and rural areas, teachers, and the public at large.

- Legal aid clinics, which offer legal and/or psychological guidance.

- Establishment of technical cooperation programmes between the National Police, the Chief Prosecutor's Office, the Dominican Red Cross, universities, and women's organizations to address the issue of violence. Among the main purposes of these agreements are the dissemination of Law No. 24-97 and training and sensitization to violence for the authorities responsible for enforcing the law.

- Opening of police stations known as "Women's Welcome Stations," which specialize in receiving and handling cases of violence against women and intra-family violence; and the installation of legal aid centers in several provinces and localities to provide legal advice to women who are victims of violence.

- Both individual and group therapy for survivors of violence.

- Information system: the DGPM has launched an effort, with support from the National Statistical Office (ONE), to set up a data bank on violence against women.

155. There are about 12 non-governmental organizations giving legal and psychological assistance to women who are victims of intra-family and sexual violence. The country's main universities also have legal aid centers to provide advice to women suffering from abuse.

156. Most of the country's NGOs, as well as the women's groups, are conducting programmes and campaigns to sensitize and educate the public on intra-family and sexual violence, especially in connection with the celebration of International Anti-Violence Day.

(b) Women as heads of household

157. Analysis of census data on households headed by women reveals that between the 1971 and 1981 censuses their proportion rose from 19.5% to 21.7%. The absolute number of households for which women were responsible recorded a faster rate of growth, rising in the same period by 57%, whereas those headed by men rose only by 39%.

158. Data from ENDESA-96 show that the number of households headed by women almost doubled over the last twenty years, as can be seen below see Table I).

TABLE I
WOMEN HEADS OF HOUSEHOLD
1971-96

YEAR	WOMEN (No.)	%	MEN (No.)	%
1971	147,820	19.6	604,730	80.4
1981	239,501	21.7	864,846	78.3
1984	286,068	24.1	902,169	75.9
1991	n.a.	25.0	n.a.	75.0

Source: Taken from FLACSO, Latin American Women in Figures (1993), based on census data from ENIGF-84 and ENDESA-96.

159. According to the figures above, a little more than one fourth of Dominican households are headed by women. For gender-related reasons, women tend to declare themselves as heads of household only when not living with a man, which means that these figures may be underestimated.

160. 54% of the women interviewed by ENDESA-96 were married or living together. Only 8.6% of the married women declared themselves to be head of the household. On the other hand, almost 90% of the male heads of household are married.

161. In geographical terms, the number of households headed by women is higher in the cities, standing at almost 30% in urban areas where women have a greater chance of being involved in productive activities and where cultural factors favor greater open-mindedness.

162. There are many explanations for the growth in the number of households headed by women, for example: the growing participation of women in the labour market, improved access to the education system, increased female longevity, the higher incidence of separations and divorces, and profound changes in cultural patterns.

163. It is pointed out in particular that, as more and more women enter the workplace, they assume greater economic independence, but this is accompanied by more serious conflicts within the home arising from the division of labour between the sexes (Cedeño, Q., 1994).

164. In the late 1980s, many women entered the labour market, especially in the informal sector. In the microenterprise sector, roughly half of these small productive units are owned by women and, according to research findings, they are the poorest.

165. Generally speaking, women who take over leadership of their family take on the dual role of mother and breadwinner. Studies sponsored by UNICEF (Alemán, J.L., 1994) suggest that a large proportion of minors of both sexes in households headed by women tend to seek subsistence or to contribute to the family income. The children's labour thus takes the place of normal activities for their age, such as education and recreation, thereby jeopardizing the future of the next generation.

166. As regards the age of female heads of household, figures show that the phenomenon is commoner among women older than 45 years, after which age the number of divorcees, and in particular widows, begins to increase substantially. The greatest percentage growth is being recorded in the 15-25 and 25-34 age groups, which may suggest a powerful trend in society towards more women running households.

Other measures taken by the Dominican Government to address stereotyping and prejudices against women

167. In 1991, through Departmental Order 592 of 27 February 1991, the Department of Education for the Advancement of Women (Educ-Mujer) was created within the Ministry of Education, Fine Arts and Religious Affairs, for the general purpose of planning and coordinating all education activities with a view to redefining and reorienting Dominican education by implementing non-sexist academic and technical programmes. Among its main activities are:

- To guarantee access to and improve the quality of education for girls and women and remove any obstacles there may be to their active participation; and to remove all sex stereotyping in education.

- In the new curriculum gender equity and equality have been taken into account in the different arrangements and programme areas, as an essential step in enhancing the participation of women in sustainable development. Gender is covered in the topics that cut across subjects and particularly in the Sex and Family Education Programme. In a different direction, the part of the curriculum dealing with technical and adult education is designed to improve coverage and participation by both sexes in the technical and work-related education offered in the country's polytechnics and labour schools.

- Adoption by the government of gender-inclusive language in the latest amendments to laws, the Agrarian Reform Act, the Penal Code, and the Code for Children and Adolescents.

168. Adoption of an agreement between the Department for the Advancement of Women and the National Statistical Office to review the instruments and programmes of the National System of Statistics from the standpoint of gender, so as to ensure that information is broken down by sex and includes non-traditional indicators of key importance for analysis of women's issues.

169. Encouragement, through the Department for the Advancement of Women, of gender training programmes in government departments and for the population at large, with a view to heightening its awareness of the need to change sociocultural patterns that lead to the marginalization of and discrimination against women.

170. To pay tribute to Dominican women who distinguish themselves by their role in different fields of social endeavour, the Medal of Merit is being created to recognize efforts made on behalf of women or the community; it is awarded on 8 March each year, the "International Day of the Woman."

171. By decree, the DGPM is being made a member of the National Commission on Public Shows and radio broadcasting, for the purpose of promoting, guaranteeing

and fostering the presentation of a positive and non-discriminatory image of women in the mass media.

172. As a result of the consciousness-raising work being done on sexist prejudices through both the DGPM and women's organizations, a companion organization composed of men has sprung up to support the process of modifying "macho" behaviour.

Article 6. Prostitution

173. As stated in earlier reports, the issue of prostitution and traffic in women is a highly complex problem since it is linked to our socioeconomic conditions.

174. Studies carried out in Switzerland, the Netherlands and Belgium by the International Organization on Migration, on trafficking in women for purposes of sexual exploitation have found that most of the women who are victims of such trafficking or who are working as prostitutes in those countries come from our country. The number of women involved is estimated at 50,000.

175. Child and youth prostitution has been a growing problem in recent years, although we lack statistical data that would show us its magnitude. As immediate steps to address this situation, the Dominican Government has taken the following measures:

- Procuring is defined and declared punishable through Law No. 24-97, amending the Code of Criminal Procedure and the Code for the Protection of Children and Adolescents.

Article 334 A procurer is defined as any person:

1. Who in any way helps, assists or harbours persons, men or women, with a view to prostitution or the recruitment of persons for the purpose of sexual exploitation;

2. Who by engaging in this practice receives benefits from prostitution;

3. Who is involved in prostitution and cannot account for the resources apparent from his or her lifestyle;

4. Who consents to the prostitution of his or her partner and obtains benefits therefrom;

5. Who hires, trains or keeps, even without his or her consent, a person, man or woman, even an adult, for purposes of prostitution, delivers him or her into prostitution or into licentiousness or relaxation of customary behaviour;

6. Who in any way acts as an intermediary between persons (men or women) who are engaged in prostitution or lewd behaviour or individuals who exploit or pay for prostitution and licentious behaviour on the part of another;

7. Who by threat, pressure or subterfuge, or any other means, interferes with efforts to prevent, assist or re-educate undertaken by qualified organizations

on behalf of persons (men or women) who engage or are at risk of engaging in prostitution.

Procuring is punishable by six months' to three years' imprisonment and a fine of fifty thousand to five hundred thousand pesos.

Attempts to commit the offences set forth in this article shall be punishable by the same penalties as actual commitment thereof.

176. Formation of the Inter-institutional Committee for the Protection of Migrant Women (CIPROM) in September 1996, composed of:

- Department for the Advancement of Women
- Ministry of Foreign Relations
- Ministry of Tourism
- Department of Migration
- National Office of the Lomé IV Planner
- Centre for Overall Guidance and Research (COIN)
- National Association of Hotels and Restaurants.

177. In memorandum D01-21234 of 2 October 1996 the Dominican Government asked the International Organization for Migration for technical assistance in dealing with the traffic in women abroad for sexual exploitation.

178. Establishment of the Programme of Assistance to Migrant Women, headquartered in the Department for the Advancement of Women. This programme has drawn up a plan of action which includes public information for potential migrants through the media, as well as the repatriation of Dominicans abroad and their re-entry into society and the labour market.

179. Moreover, a number of governmental, civil society and religious institutions are developing educational and health programmes with sex workers.

180. In 1995, the "United Women's Movement" was founded, composed of 3,000 sex case workers, for the purpose of tackling the main social, economic and legal problems faced by sex workers.

Article 7. Public life and participation in politics

181. Under the Constitution, women acquire citizenship, like men, on reaching 18 years of age or if they are or have been married. Article 13 on citizen rights guarantees men and women equal rights to elect and be elected to the various positions managed by the government. Nevertheless, in practice these rights are not exercised on equal terms.

182. In the Dominican Republic, elections are held every four years to elect the President and Vice President of the Republic, the members of the legislative chambers (deputies and senators), and local government officials (mayors and councilmen).

183. Women's involvement as voters has been growing steadily since the 1970s and outstripped that of men in the last three elections. According to figures from FLACSO, the Latin American Faculty of Social Sciences, in "Dominican Women

in Figures," and estimates from the country's Central Elections Board, in the 1986 elections participation stood at 47.8%, rising to 52.0% in 1990, and to 57.0% in 1994 (see Table II).

TABLE II
PERCENTAGE OF WOMEN VOTING IN GENERAL ELECTIONS
1970-96

YEAR	No. OF VOTERS	FEMALE PARTICIPATION
1970	552,007	44.6%
1974	499,636	44.1%
1978	817,774	46.0%
1982	872,050	46.2%
1986	1,009,414	47.8%
1990	n.a.	52.0%*
1994	n.a	57.0%*

Source: FLACSO, Latin American Women in Figures (1993), Dominican Republic, 1993.

* denotes estimates by the Dominican Central Elections Board.

(a) Participation by women in elective offices in the Legislative Branch

184. Although women have a large say in electing candidates to office, very few of them have stood for congress or local government office in all elections to date, which has not been helped by the fact that the parties with the best chances of being elected have never nominated women for the office of President. In the general elections, the highest participation of women as candidates is found in elections for lower-ranking positions, such as councilmen and alternates, and, to a lesser extent, in those for deputies, senators and mayors.

(b) Presence of women in the Legislative Branch

185. Within the Legislature women are a distinct minority compared with men. In no election in any period shown in Table II did women account for 15% of all legislators. Nor has the increase in the number of representatives in the Lower House (due to population growth) been reflected in an increase in the number of women deputies; it is important to point out that more women were nominated in the most recent elections, but they were mostly assigned posts with little chance of election.

186. Although women form in a minority in the Congress, they play an active and purposeful role and are trying to use it to help bring about changes in the status of women, especially in terms of changing the laws that discriminate against women, often setting aside their party differences in order to forge alliances and consensuses on behalf of women. There is also evidence of greater dynamism within their parties, which has the effect of making party structures more open to women and giving them a greater voice in the decision-making processes.

187. Another step forward came in 1995 when the Senate of the Republic decided unanimously to appoint the "Honorary Committee of Women Advisers to the Senate,"

which is composed of women experts on gender issues drawn from the different political parties; women legislators, jurists, representatives of the women's movement, and the Department for the Advancement of Women. This committee advises the Senate on the process of amending and adopting codes, laws and measures aimed at bringing about changes in the economic, political and social situation of Dominican women. The committee's mandate has since been broadened to furnishing advice to the Chambers of both Senators and Deputies.

189. The following table illustrates the evolution of women's participation in the legislative chambers over the last four decades.

TABLE III
PARTICIPATION OF WOMEN IN THE LEGISLATIVE CHAMBERS
1963-90

YEAR	WOMEN DEPUTIES		WOMEN SENATORS		TOTAL	
	No.	%	No.	%	No.	%
1963	2	2.80	1	3.80	3	3.10
1966	3	4.10	1	3.70	4	4.40
1970	3	4.10	4	14.80	7	6.90
1974	13	14.30	3	11.10	16	13.60
1978	12	13.20	2	7.40	14	11.90
1982	8	6.90	1	3.70	9	6.10
1986	9	7.50	1	3.30	10	6.70
1990	14	11.70	-	-	14	9.30
1994	14	8.57	1	0.03	15	9.93

Source: FLACSO, Latin American Women in Figures (1993), Dominican Republic, 1993.

190. The Department for the Advancement of Women, NGOs and women's groups have worked together with the party women on gender issues and political training, as well as through sensitization campaigns aimed at persuading the parties to set higher quotas for participation by women.

(c) Participation of women in the Judicial Branch

191. As in the other branches of government, participation by women in the Judiciary[2] is sharply segmented according to level in the hierarchy, as in the other branches of government. In the Supreme Court of Justice women represent 31.3%. At the level of the Appeals Courts they represent 30.6%, in the Courts of First Instance 35.4%, and among Justices of the Peace 36.6%.

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[2] The Supreme Court is the highest body in the Judiciary and is currently composed of 16 members elected by the Senate of the Republic. The Office of Public Prosecutor before the Supreme Court is held by the Attorney General, also appointed by the Senate.
The Courts of Appeal and the Superior Land Court are the second-highest ranking bodies in the Judiciary, and their judges are elected by the Senate. On the third level are the Courts of First Instance, divided into Civil, Criminal and Labour Chambers. There also the Land Courts of Original Jurisdiction, Trial Courts, and Justices of the Peace, for the municipal levels. The justices of the peace need not be lawyers where lawyers cannot be found for these duties.

192. In the Dominican Judiciary, the lower the ranking of the body responsible for establishing and administering justice, the greater the representation of women; the exception is the Land Courts, where more than half of the judges are women.

193. Notwithstanding this situation, we should emphasize that two events which took place in the second half of 1997 mark steps forward: the appointment of 31.3% women to the Supreme Court of Justice, a body on which women have traditionally been unrepresented, and the appointment of a woman identified with women's causes as Chairwoman of the Commission for Reform of Justice. Table IV shows the situation in 1993.

TABLE IV
FEMALE PARTICIPATION IN THE JUDICIARY
DOMINICAN REPUBLIC, 1993

	Both Sexes	Women	Female Participation as % of total
SUPREME COURT OF JUSTICE			0.0
Chief Justice	2	0	0.0
Alternates	4	0	0.0
Justices	10	0	0.0
Total	16	0	0.0
COURT OF APPEALS			
Chief Justice	15	3	20.0
Alternates	24	9	37.5
Justices	36	11	30.6
Total	75	23	30.6
Land Court	46	24	52.2
Courts of First Instance	79	28	35.4
Trial Courts	39	13	33.3
Courts of Justices of the Peace	205	75	36.6

Source: Supreme Court of Justice, Department of Judicial Statistics, cited in FLACSO: Latin American Women in Figures/Dominican Republic.

(d) Participation of women in elective offices in local government

194. Although women participate actively in the local activities of the political parties and social and community organizations, they remain a minority when it comes to elective municipal offices. The pattern of female representation in municipal or local governments is much the same as found in the legislative chambers, with very few at the mayoral level, although the number of women mayors, unlike that of women deputies, has gone up at each election and is greatest at councilwoman level.

195. From 1970 to 1994, the proportion of women as opposed to men elected mayor failed to reach 6% in any of the electoral periods studied. In the case of councilmen, it never exceeded 13%. (see Table V).

TABLE V
PARTICIPATION OF WOMEN IN ELECTIVE MUNICIPAL OFFICES
1970-90

YEAR	WOMEN MAYORS		COUNCILWOMEN		TOTALS	
	No.	%	No.	%	No.	%
1970	1	1.3	33	7.8	34	6.8
1974	1	1.3	48	10.6	49	9.2
1978	-	-	61	12.6	61	10.7
1982	2	2.1	23	3.9	25	43.0
1986	4	4.0	39	6.1	43	5.8
1990	5	4.9	64	10.2	69	9.5
1994	6	5.6	95	14.7	48	13.5

Source: Profile of Women in Local Government, Cruz Consuelo, CIPAF, Santo Domingo, 1996.

196. One highlight of women's participation at the local level is the creation of a mechanism for coordinating municipal and local women leaders, in which they have worked hard on a process of training in gender issues, with advice from women's organizations.

(e) Participation of women in government administration

197. The participation of women in government administration and management has risen in some positions, such as minister, and in middle-level posts, such as deputy director, assistant department head, and department, section and division chief. At the higher executive levels, participation is not commensurate with the levels of advancement and professional skills which we as women have achieved. The table below shows how this participation has evolved between 1982 and 1997.

TABLE VI
PERCENTAGE DISTRIBUTION OF WOMEN IN SENIOR EXECUTIVE POSITIONS IN GOVERNMENT
1982-97

POST	YEAR							
	1982	1986	1990	1991	1992	1993	1994	1997
Minister	17.6	29.4	13.3	11.8	17.6	17.6	11.8	19.0
Deputy Minister	11.8	23.5	41.7	17.6	29.4	29.4	35.3	18.0
Director	40.0	20.0	30.0	40.0	40.0	40.0	40.0	15.2

Source: National Office of Administration and Personnel (ONAP), 1994, 1997.

(f) Participation of women in political parties and other bodies that wield power

198. In the 1990 elections, for the first time in the country's electoral history, and again in 1994, virtually all the political parties presented government programmes in which the issue of women figured quite prominently. However, as indicated earlier, this was not reflected in the parties' nominations.

At the present time, the pattern of women's presence in the political parties shows the same structure as in other spheres: as one climbs the ladder of party leadership, the proportion of women declines.

199. Women have gradually increased their involvement in trade union activity. This has always been in positions low in the hierarchy, such as members and bookkeepers. Few women occupy the position of secretary-general of a trade union.

200. Participation by women is also very limited at leadership levels in the professional unions, even in those whose militancy is basically feminist, such as the Dominican Teachers' Association (ADP), although it should be noted that in 1997 the ADP elected a woman as Secretary-General. Nonetheless, the presence of women is growing stronger every day. By 1991 two of the largest unions, the Dominican Medical Association and the Dominican College of Engineers, Architects and Surveyors, both had women Secretaries-General. The greatest participation by women at this level is found in the Dominican Lawyers' Association (ADOMA), in which women make up 37.5% of the governing body.

(g) Social organizations working with and for women

201. The women's movement is one of the social movements that have kept the highest profile in terms of rallying support in society and done the most to expand and consolidate in the last ten years. This progress can be seen in its levels of consolidation, identity, networking and coordination. It is involved in a wide range of social sectors and is therefore one of the most inclusive and diverse in its membership.

202. Its main achievements can be summarized as follows:

- creating and forming women's groups and programmes in a number of social and academic institutions;
- developing wide-ranging gender training and sensitization programmes;
- mobilizing to promote comprehensive agendas and plans for involving women in development;
- carrying out research, diagnostic surveys, and studies on gender;
- working to amend laws that discriminate against women;
- developing plans to promote women's participation in politics;
- creating specialized programmes on different aspects of women's life; and
- creating networks, committees and coordination arrangements for the advancement of women.

203. Work on gender issues in the country has received impetus from different forums and through participation by different social actors. Those with the greatest impact include:

(a) Feminist or women's organizations that conduct programmes in the areas of education, organization, production, services, dissemination, communications and research;

(b) Grass-roots women's organizations, both rural and urban;

(c) Women's programmes or departments within the NGOs;

(d) Women's programmes or forums within different political, academic or cultural bodies (parties, trade unions, universities); and

(e) Women's programmes and forums within government agencies.

(h) Women's organizations

204. A hallmark of the women's organizations is that they have kept in the forefront in the struggle for and defence of the status of women. They have made the main contributions in terms of the theory of and studies on their status. After an initial period of gender militancy, their work transcends the institutional framework and aims at building a diverse and pluralistic feminist movement of women.

205. Although initially their work was fairly general, they have gradually been specializing more, and helping to build a profile of the actual conditions facing women and learn more about them, in the specific sector in which they operate. There are organizations specializing in legal aid, violence, research, health, communications, ethnic and racial issues, etc.

206. These organizations have always been well represented in the celebration of special events, such as the International Day of the Woman, International Anti-Violence Day, International Day of Action to Promote Women's Health, and other actions and demands taking place within the women's movement.

207. They have played a key role in the formation of grass-roots women's organizations, both urban and rural, and in providing educational support to them, ensuring that gender issues are reflected in them, as well as support to gender training programmes carried out by the NGOs.

208. They have striven constantly to maintain unity and networking within the women's movement; these efforts have borne fruit in the creation of several networks and coordination systems, foremost among which are the position of Coordinator of NGOs for Women's Issues, an initiative originally spearheaded by the Department for the Advancement of Women, the Intersectoral Committee Against Sexual and Domestic Violence, and the Network for Popular Education of Women.

(i) Grass-roots women's organizations

209. These organizations have been showing the fastest growth and maintaining the most uniform profile. Their growth has been concentrated in the countryside, although since the 1980s the urban grass-roots women's movement has been growing rapidly. This process is attributed to the development of the popular urban movement during this period and to the deterioration in the living *conditions of the Dominican population*.

210. The expansion of rural women's organizations is due to the role played by government agencies during the 1960s and 1970s in connection with the development of a number of community welfare programmes, in which there was strong participation by women. Most of the women's grass-roots organizations in rural areas, such as Mothers' Centres and Clubs, sprang up in response to these actions and during this phase.

211. On the other hand, the NGOs also focused their work on rural areas, as the peasant population formed their base of activities and women in general were more receptive to becoming organized.

212. The work carried out in this sector was basically concerned with expanding the organization of women in the countryside, encouraging certain demands of a community nature, and developing specific projects. One impact of these projects has been to improve the quality of food, by providing access to such family diet staples as milk, eggs, cereals, green vegetables and other foodstuffs.

213. The training received by the women has helped to improve their relationship with the land, the environment and raising small cattle, while at the community level these projects are helping to raise the social esteem in which the groups and women in general are held. The greatest impact appears to be at the personal level, since they are helping to raise women's self-esteem, security and self-confidence and to improve their family relationships.

214. Moreover, a spin-off of these efforts has been an increase in skills on the part of the women in activities previously unfamiliar to them, such as: opening and managing bank accounts, handling simple bookkeeping systems, greater command of bargaining processes, and some marketing skills.

215. Most rural women's organizations are national or regional in scope and received educational support from different women's organizations, NGOs, or government departments. The latter appointed female facilitators or sponsors for the task of advising these groups.

Article 8. Representation

216. Dominican women's participation in representing the government abroad has increased over the past decade, although most are given lower-ranking and honorary positions. At the present time, women account for 15% of ambassadors, 21% of consuls, and 36% of vice-consuls, which represents progress compared with 1994 levels (see Table VII).

TABLE VII
WOMEN AND MEN ACCREDITED IN THE DIPLOMATIC CORPS
DOMINICAN REPUBLIC, 1993

SEX	ABROAD		AT HOME		HONORARY	
	No.	%	No.	%	No.	%
Women	1	3.8	5	20.8	4	30.8
Men	25	96.2	19	79.2	9	69.2
Total	26	100.0	24	100.0	13	100.0

Source: Ministry of Foreign Relations, Santo Domingo, Dominican Republic, 1994.

217. As a step in this direction, mention can be made of the appointment in May 1997 of a woman as Permanent Ambassador to the United Nations. In addition, the Dominican Republic's Permanent Mission to the United Nations Office and other international agencies headquartered in Geneva, Switzerland, is headed by a woman.

218. The Dominican Government is currently represented in the following international women's organizations:

- International Training and Research Institute for the Advancement of Women (INSTRAW), headquartered in the Dominican Republic, as an ex officio member of its Board of Directors.

- Inter-American Commission of Women (IACW), as part of the Delegate Assembly.

- Legal and Social Commission on Women (LSCW), as a member-state.

- Latin American and Caribbean Network of Governmental Organizations for Women, as a coordinating member for the Caribbean subregion.

- International Rural Women's Network.

Article 9. Nationality

219. The Constitution establishes, without distinction as to sex, the right of any Dominican to acquire a different nationality, without this entailing the loss of his or her original nationality. A Dominican woman who marries a foreigner is at liberty to acquire the nationality of her spouse provided this is allowed by the law of his country. A foreign woman marrying a Dominican national is fully entitled to acquire Dominican nationality, unless the laws of her country allow her to retain her nationality. On the other hand, a foreign national marrying a Dominican woman does not acquire the right of nationality and, if interested in acquiring it, must go through the naturalization process. These regulations are discriminatory against women in that women cannot confer their nationality on their foreign-born spouse, whereas men can do so if they marry a foreign-born woman.

220. With respect to children, the naturalization law provides that single minor children below the age of 18 years acquire full rights to Dominican nationality upon the naturalization of their father, whereas they acquire the right to Dominican nationality upon the naturalization of their mother only if the father is deceased or if he is alive but the mother has custody of the children. These regulations also reveal discrimination against women.

221. The Dominican Republic ratified the Convention on the Nationality of Married Women in 1958; in this respect, our legal regulations are broadly in line with the Convention.

Article 10. Education

222. Over the last ten years, the indicators of access to education have shown considerable improvement in favour of women, in terms both of their own trends and of the behaviour of the trends for men in earlier decades, thereby narrowing the gaps between men and women in rates of illiteracy and enrolment at the different levels of the education system.

223. The country's illiteracy rate is lower among women than men, a fact that reflects the difference between that of women and that of men in rural areas, as illustrated by Table VIII below.

Table VIII
Evolution of illiteracy rates among people aged 10 years and above, by sex and area of residence (in %), 1970-1996

	Women			Men			Both sexes		
Area	1970	1991	1996	1970	1991	1996	1970	1991	1996
TOTAL FOR COUNTRY	**34.6**	**17.1**	**15.1**	**31.4**	**18.6**	**16.1**	**33.0**	**17.8**	**15.6**
Urban areas	21.9	10.2		15.5	9.0		18.7	9.6	
Rural areas	45.2	29.3		41.7	31.1		43.5	30.3	

Sources: 1970 Census and ENDESA/CHA 1991 and 1996; IEPD/PROFAMILIA

224. By 1996, illiteracy among women aged 15 to 24 years had declined by 5.9% compared with 1981, while in the 25 to 44 age group the situation also favoured women, falling from 26.0% in 1981 to 11.9% in 1996.

225. In terms of education and levels of instruction, women consolidated the trend begun in the early 1980s. The ENDESA survey of 1991[3] showed that in the Dominican education system women have a higher participation (especially at secondary and university levels), it being estimated that there are 125 women enrolled for every 100 men. ENDESA-96 showed that this trend had been maintained and revealed an increase in enrolment levels for both sexes.

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[3] Population and Health Survey, Expanded Household Questionnaire (CHA/ENDESA), Institute of Population and Development Studies, conducted between July and November 1991.

226. As regards levels of instruction, there is no great difference between men and women at the same level, although there is considerable disparity between primary and secondary levels throughout the country.

227. Indeed, in 1991 the proportion of men with primary schooling was 48.7% and that of women 50.1%. The proportions in the case of secondary schooling were lower, at only 23.6% and 22.3%, respectively, for each group. In 1996 the proportions for primary schooling were 53.0% for men and 53.7% for women.

228. Nor are there large differences between the two sexes within each level according to place of residence. 58.0% of women and 54.4% of men in rural areas had completed their primary education. For urban areas these proportions stood at 50.6% and 52%, respectively.

229. The proportions are maintained when it comes to the secondary levels, with 23.3% and 21.0% for women and men in urban areas, and 9.9% and 8.1% in rural areas, with an uneven proportion as between the urban and the rural population.

230. It is at the higher levels of education that the proportion of women (8.7%) has exceeded that of men (7.4%), but with a more uneven distribution of women as between urban and rural areas than found at the secondary level. Indeed, for every 100 urban women with some level of higher education there are only 15 rural women in a similar situation.

231. Attendance at schools, colleges and universities is greater among women in all age groups between 5 and 29 years than for men in the same groups. It is very similar for both sexes for the age groups between 30 and 44 years.

232. The relative participation of women in technical and vocational education rose by more than 50% between 1982 and 1994, although enrolment continues to be concentrated in subject areas traditionally viewed as female.

233. In INFOTEP alone, the centre with the broadest coverage nationwide, graduation by women increased by 70% during the period 1982 to 1994 (see Table IX).

Table IX
NUMBER OF COURSES, HOURS OF INSTRUCTION AND GRADUATES BY SEX AND YEAR, 1982-1995

YEAR	TOTAL	MALE GRADUATES	FEMALE GRADUATES	% OF WOMEN
1982	899	685	214	23.8
1983	7,330	5,507	1,823	24.9
1984	9,521	7,181	2,340	24.6
1985	9,309	7,336	1,973	21.2
1986	9,566	7,125	2,441	25.5
1987	7,386	5,432	1,954	26.5
1988	12,725	8,593	4,132	32.5
1989	14,852	9,824	5,028	33.9
1990	16,209	10,659	5,550	34.2
1991	19,278	13,278	6,000	31.1
1992	22,774	15,287	7,487	32.9
1993	37,871	24,879	12,992	34.3
1994	52,600	31,337	21,263	40.4
1995	55,320	33,706	21,614	39.1
TOTAL	275,640	180,829	94,811	34.4

Source: INFOTEP, Research Department

234. This situation presents one of the greatest cultural changes in the country with respect to women, since in the past their schooling depended on how much time they had available after completing the set of chores assigned to women within the family unit (mainly in rural areas).

235. Nevertheless, there are signs of sexist biases in vocational and technical training that tend to perpetuate the traditional roles, which accounts for the inequality of opportunity in education and employment and limits women's access to jobs regarded as non-traditional. This element marks the first step towards the occupational segmentation that characterizes Dominican women, as illustrated in Table X.

Table X
GRADUATES BY SEX AND SECTOR OF THE ECONOMY, 1995

GRADUATES				
SECTOR OF THE ECONOMY	TOTAL	MEN	WOMEN	% OF WOMEN
Agriculture, hunting, silviculture, and fisheries	3,192	2,083	1,109	34.7
Mining and quarrying	28	20	8	28.6
Manufacturing industries	11,981	8,092	3,889	32.5
Electricity, gas and water	141	123	18	12.8
Construction	275	256	19	6.9
Wholesale and retail trade/ Restaurants and hotels	4,774	3,235	1,539	32.2
Transport, warehousing and communications	907	775	132	14.6
Financial establishments, insurance, real estate, and services provided to companies	940	439	501	53.3
Community, social and personal services	6,022	3,949	2,073	34.4
Activities not specified	10,065	6,081	3,984	39.6
Unemployed	16,995	8,653	8,342	49.1
Total	55,320	33,706	21,614	39.1

Source: INFOTEP, Research Department, 1995.

236. The high proportion of women participating in agricultural training (which includes animal husbandry and farming) and in services and trade (especially the trade component) is attributed to the government's interventions through the National Institute of Technical and Vocational Training, and to those of the NGOs in training the participants in income-generating projects and in project development both in rural and in marginal urban areas.

237. In 1993, only 30% of all state polytechnic schools included careers in their curricula that could be considered non-traditional: automotive and diesel mechanics, cabinet-making, electronics, mechanical engineering and graphic arts. The other 70% teach such traditional subjects as cooking, confectionery, dressmaking, and secretarial skills. At the secondary level, only 22% of the women enrolled ventured into non-traditional careers.

238. This segmentation in technical and vocational training is paralleled in higher education, where the professions in which most female students enrol and

graduate are those socially defined as "feminine," including teaching, psychology, pharmacy, bioanalysis, and nursing.

239. At the Universidad Autónoma in the late 1980s, women accounted for 65% of the graduating class in teaching, 80% in pharmacy, chemistry and bioanalysis, 65% in nursing, and more than 80% in psychology.

240. The government runs adult education centres, but their performance is unsatisfactory owing to the heterogeneity of enrolment. The drop-out rate in this programme is 28% at the initial level, 70% at the second level, and 19% at the third level (Guadamuz, L. 1993).

241. It is clear, therefore, that the progress women have made in formal education still limits their chances of entering the labour market on equal terms with men, since they are placed in job categories that require lower skills and therefore pay less than men earn.

242. It is also clear, despite improvements in some female education indicators, that generally speaking women's education levels are low (basically full or incomplete primary schooling), while rural women rank below the national average for all women.

Article 11. Employment

243. Principle VII of the Dominican Labour Code establishes non-discrimination in employment: "Any discrimination, exclusion or preference for reasons of sex, age, colour, national ancestry, social origin, political opinion, trade union militancy, or religious belief is prohibited, except where sanctioned by the law to protect the worker's person ...." Principle X explicitly confers this right on women: "The female worker has the same rights and obligations as the male worker ...."

244. In other principles and regulations, it also recognizes the right to free choice of employment, vocational training, equal pay for equal work, and holidays. The 1992 amendment removes the articles that are clearly discriminatory against women. Principle VII provided that women may not engage in work inappropriate to their sex and similarly that the physical capacity of women had to be accredited before they could take up a job. Another step forward arising from the amendment to the Labour Code was that referred to in Chapter 2 of this report on the regulation of domestic service.

245. Protection of motherhood is a right hallowed by the Constitution. Article 8(15) states: "Whatever the condition or status of the woman, maternity shall enjoy the protection of the public authorities and shall be entitled to official assistance in the event of the mother's abandonment." Our Labour Code also includes protection for maternity in the following articles:

Article 232

An employer may not dismiss a female worker during her period of pregnancy or earlier than three months following childbirth.

The female worker must notify her employer of her pregnancy by any bona fide means. Such notification must indicate the likely date of delivery.

Article 233

Women may not be dismissed from their employment on the grounds of being pregnant. Any dismissal on such grounds shall be void under the law.

Any dismissal of a pregnant woman or of a woman within six months after giving birth must be submitted beforehand to the department of labour, or to whatever local authority is acting as such, so that it can rule whether the dismissal is a consequence of pregnancy or of childbirth.

Any employer dismissing a female worker without complying with the foregoing formality shall be obligated to pay such worker, in addition to the benefits due her under this Code, compensation equivalent to five months' regular wages.

Article 234

During her pregnancy a working woman may not be asked to perform work that requires a physical effort incompatible with her condition.

Article 235

If as a result of pregnancy or childbirth the work which she performs is prejudicial to her health or that of her child and this is vouched for by a doctor's certificate, the employer shall be obligated to arrange for the worker to change her job and further to provide her with the most comfortable means for performing her work.

In the event that such change is impossible, the female worker shall be entitled to unpaid leave, without prejudice to the provisions of Article 236.

Article 237

Pre- and post-natal leave shall never be less, in combination, than twelve weeks, and during it the female worker shall retain her employment with all the rights that flow therefrom.

Article 238

When a female worker asks to be given her vacation time immediately after her post-natal leave, the employer shall be obligated to grant her request.

Article 239

Pre- and post-natal leave shall be paid at the regular wage earned by the female worker.

If the female worker is protected by the social security laws, the employer shall be obliged to pay her one half of her wage and the Dominican Social Security Institute shall pay her a cash allowance equal to fifty percent of her wage.

Article 240

During lactation a female worker shall be entitled, in the workplace, to three paid breaks of at least twenty minutes each during her workday to breastfeed her child. In addition, during the first year from the birth of their child working mothers may take one half day off each month to take the child to the doctor.

246. We have seen no significant advances in the delivery of social support services to enable women to take up employment, basically in the form of child care for working mothers, although a number of government agencies, such as the Dominican Social Security Institute, the National Council for Children, and the Ministry of Education, have made considerable efforts in this direction since 1981. At present there are seven (7) public nurseries, five (5) home schools run by the Ministry of Public Health, sixteen (16) day-care centres run by the National Council for Children, one (1) creche run by the Dominican Social Security Institute, and three thousand one hundred and ninety-eight kindergartens operated by the Ministry of Education and Culture (SEEC). These centres are inadequate to meet the actual demand. It is important to point out the efforts being made by government institutions involved with the issue. Joint efforts are currently being made by the Ministry of Public Health, the Ministry of Labour and the Dominican Social Security Institute to set aside suitable areas, within companies, that would bring them into compliance with the labour provisions calling for the legal protection of working mothers who wish to breastfeed.

247. We should also note that the Congress of the Dominican Republic is discussing a draft bill to set up child-care centres.

Indicators of Dominican women's entry into the workforce

248. The 1981 population census put the proportion of women in the EAP at 28 percent and projected a 1991 figure, using the same data, of 55 percent, pointing to an increase of almost 100 percent over the decade, as the activity rate is lower for women in rural than in urban areas. In absolute terms, and in line with this projection, the female activity rate means that roughly 1.5 million women aged 10 years and above are performing, had sought or would be ready to accept paid employment.

Table XI
Female activity rate in the EAP, 1991

AREA OF RESIDENCE	ACTIVITY RATE
TOTAL FOR COUNTRY	**55.2%**
Urban women	60.0%
Rural women	46.6%

Source: IEPD/PROFAMILIA, Nelson Ramírez: The Workforce in the Dominican Republic, Monograph Series No. 3, 1993.

249. This rate of participation by women in economic activity is far lower than that of men, which stands at more than 80% in both urban and rural areas.

250. Activity rates for women in urban areas is higher for all age groups (from 10 to 65 and over), except for the subgroup of 10 to 14 years, where that of rural women is higher.

251. Unemployment among women is 4 times higher than among men (according to ENDESA-91); nationwide unemployment for men is 11.8%, compared with 46.7% for women), which means that unemployment is higher among rural women (54.9%) than among urban women (43.0%). Unemployment rates among rural women aged between 20 and 40 years are substantially higher (by between 10 and 20 points) than among urban women between the same ages. The 1996 figures were 10.2% for men and 28.7% for women (Survey of Workforce, Central Bank).

252. In addition to the marked contrast in activity and unemployment rates between men and women, there is a sharp difference in the male and female EAP according to activity and rates of pay.

253. In fact, 74% of the female EAP is involved in traditional branches of activity: business, restaurants, hotels, community and social services, and personal services (a category corresponding to domestic work, which accounts for the highest percentage of female employment).

Table XII
Distribution of the EAP aged 10 years and over according to branch of activity, by zone and sex (percentages), 1991

BRANCH OF ACTIVITY	TOTAL FOR COUNTRY			URBAN AREAS			RURAL AREAS		
	TOTAL	MEN	WOMEN	TOTAL	MEN	WOMEN	TOTAL	MEN	WOMEN
TOTAL	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
AGRICULTURE	25.3	36.2	5.5	5.4	8.6	1.2	56.2	69.6	16.5
MANUFACTURING	12.8	11.6	14.8	16.5	16.5	16.6	6.9	5.8	10.2
BUSINESS, RESTAURANTS	19.9	17.7	24.1	25.2	25.4	25.1	11.7	8.3	21.5
CONSTRUCTION	3.4	4.9	0.6	3.9	6.2	0.8	2.5	3.3	0.2
TRANSPORT, COMMUNICATIONS	3.7	5.2	1.0	4.9	7.4	1.4	1.8	2.4	0.1
FINANCE, BANKING	2.7	2.2	3.4	3.9	3.6	4.3	0.8	0.6	1.2
COMMUNITY SERVICES	12.9	10.9	17.8	17.5	15.5	20.3	5.8	3.8	11.5
PERSONAL SERVICES	18.6	11.1	32.4	21.6	15.6	29.9	14.0	5.5	38.7
OTHER (MINING, ETC.)	0.7	0.8	0.4	0.9	1.2	0.5	0.3	0.3	0.2

Source: IEPD/PROFAMILIA, Nelson Ramírez: The Workforce in the Dominican Republic, Monograph Series No. 3, 1993.

254. These indicators are a reflection of the behaviour and direction of the Dominican economy in recent decades, during which growth has occurred in the manufacturing sectors (due to free-trade zones and micro-enterprises) and in tourism. It is precisely the branches of activity related to these sectors that have proved most significant for the female EAP.

255. In terms of income, men on the whole enjoy a somewhat more favourable distribution than women. By occupational category at the level of technicians and professionals, male income is twice as high as that of women, and in personal services (the largest employment category for women) the average income in 1991 was US$48 a month.

Table XIII
Distribution of the employed EAP aged 10 years and over, according to monthly income from the occupation(s) performed, by sex (percentages), 1991

MONTHLY INCOME	BOTH SEXES	MEN	WOMEN
None	12.9	14.6	9.2
1-600	27.5	23.6	36.3
601-1,200	27.6	27.2	28.3
1,201-2,000	15.4	16.0	14.1
2,001-3,000	7.6	8.6	5.4
3,001 and over	9.0	10.0	6.6

Source: IEPD/PROFAMILIA, Nelson Ramírez: The Workforce in the Dominican Republic, Monograph Series No. 3, 1993.

(a) Women in the free-trade zones

256. The duty-free industrial zones have become one of the fastest-growing areas of the economy in recent years. They have also generated the greatest number of jobs in the last ten years and employed more women workers than any other area.

257. The growth and development of the free-trade zones have had a powerful impact on the structure of the Dominican economy, particularly in terms of: (1) strengthening the light consumer goods industry, (2) creating jobs for persons not in the EAP, (3) energizing the goods and services markets, and (4) influencing the design of the domestic wage and exchange rate policy (Fundapec, 1992).

258. In cumulative terms of generating employment, the free-trade zones had by 1994 created a total of 180,000 direct jobs (Rathe, 1995), 48.2% of which were filled by women (Fundapec, 1994).

259. According to the data gathered by ENMO-91, this high participation rate of female labour in the free-trade zones had the following features:

(a) of the total female workers, 38% were working for the first time, compared with 27% for men.

(b) 67% had not worked previously, and the others worked on tasks associated with the traditional roles of women and in the informal sector.

260. This means that women have a lower profile in terms of work experience than men. The average time worked before entering a free-trade zone is 8 years for men and 5 years for women.

Table XIV
Origin of female workers in free-trade zones, 1981

Previous Activity	Proportion (%)
Did not work	**67.0**
Worked:	**32.6**
Domestic service	13.9
Dressmaking	4.9
Sales	5.5
Other services	8.3

Source: Fundapec, National Manpower Survey (ENMO-91), citing Isis Duarte (1986).

261. Although there has been a slight increase in the last few years in the number of women employed in administrative, professional, technical and managerial positions, most women employed in free-trade zones are office employees and skilled workers.

262. This segmentation of employment results from the preferences of the businessmen and owners, who place women in secretarial positions and skilled workers, whereas they prefer men for managerial, professional and supervisory work.

Table XV
Preference of businessmen for gender of workers, according to occupational groups (percentage distribution), 1991

Occupational groups	(1) Men	(2) Women	(3) No pref.	(4) (1+3)	(5) (2+3)
Administrators and managers	56.8	1.7	40.7	97.5	42.4
Professionals and technicians	39.0	5.1	52.5	91.5	57.6
Office employees	8.5	44.9	45.8	54.3	90.7
Plant supervisors	45.8	10.2	41.5	87.3	51.7
Skilled workers	22.0	26.3	45.8	67.8	72.1
Unskilled workers	19.5	16.9	55.1	74.6	72.0

Source: IDB-Fundapec: National Manpower Survey, 1991.

264.* Although women workers have a higher educational level than their male counterparts, they earn less (the average wage for men being $2,226 per month and that of women $1,751), in line with the peak of the nationwide data presented at the beginning of this heading.

* *Paragraph 263 has been omitted from the sequence in the original. [Translator]*

Table XVI
Educational level of workers in the free-trade zone subsector, by sex (percentage distribution)

Educational level	Male	Female
No schooling	2.3	3.4
Completed primary	8.1	7.8
Incomplete secondary	23.1	18.9
Completed secondary	16.7	16.5
Technical secondary	2.7	5.3
University technical	5.0	8.7
Incomplete university	16.7	15.5
University professional	14.9	16.0
Others	0.1	0.6

Source: IDB-Fundapec, National Manpower Survey, 1991.

265. The female workers in the duty-free zones are young women, averaging 21.4 years of age, and 64.1% of them are single, compared with 51.6% of the men.

266. The free-trade zone sector, in which a high proportion of female labour is concentrated, is, in turn, the sector in which workers at large receive fewer fringe benefits, such as private medical insurance, meals, transport, work clothes, etc.

267. Entering the workforce as employees in the free-trade zones has proved a very positive element in reducing female unemployment, providing technical training for women, and giving them a measure of economic stability; the gender inequality which characterizes such entry, however, places them in jobs that require less skill and pay lower wages.

(b) Women in agro-industries

268. Agro-industries are the oldest subsector of industry in our country and have maintained a rapid rate of growth since the 1970s; they are now the largest segment in the sector. In the early 1980s, a process of de-industrialization occurred, which affected them greatly. (Fundapec, 1992).

269. In labour terms, the subsector has the following characteristics:

(a) predominantly male. 67.6% of the workforce is male, and the female participation rate is only 19.2%, although the proportion of female workers has been increasing since 1987.

(b) most of the female workers are single – 59.5% compared with 41.% in the case of the men. This marital pattern among the women is the same as that found in the free-trade zones and the tourism sector.

(c) its workforce has the lowest educational level (of the three analysed for their impact on the employment of women), and the women workers have a higher educational level than the men.

Table XVII
Educational level of workers in the agro-industrial subsector, according to sex (percentage distribution)

Educational level	Male	Female
No schooling	4.2	1.2
Incomplete primary	17.8	14.3
Complete primary	16.4	4.8
Incomplete secondary	23.2	16.7
Completed secondary	11.3	9.5
Technical secondary	4.2	10.7
University technical	3.1	8.3
Incomplete university	10.5	19.0
University professional	8.5	9.5
Others	0.8	6.0

Source: IDB-Fundapec, National Manpower Survey, 1991.

270. The existence of sexist employment patterns in this subsector is further evidenced by the preferences shown by the businessmen and/or general administrators when hiring men as opposed to women for the various occupations.

Table XVIII
Preference of businessmen for gender of workers, according to occupational groups (percentage distribution), 1991

Occupational groups	(1) Men	(2) Women	(3) No pref.	(4) (1+3)	(5) (2+3)
Administrators and managers	56.3	3.9	38.8	95.1	42.7
Professionals and technicians	48.5	5.8	41.7	90.2	47.5
Office employees	11.7	30.1	56.3	68.0	86.4
Plant supervisors	75.7	2.9	16.5	92.2	19.4
Skilled workers	63.1	1.9	30.1	93.2	32.0
Unskilled workers	59.2	7.8	28.2	87.4	36.0

Source: IDB-Fundapec: National Manpower Survey, 1991.

(c) Women in micro-enterprises and small businesses

271. According to the results of the 1992 National Survey of Micro-enterprises and Small Businesses in the Dominican Republic, our micro-enterprise and small business sector has the following characteristics:

(a) comprises about 330,000 small businesses which generate some 760,000 jobs, or roughly 26% of the economically active population. About two thirds of these are located in urban areas. Half of the businesses have only one worker, and 98% have fewer than ten.

(b) the chief economic activities are linked to trade, manufacturing and services, which together account for about 97.8%. More than two thirds of the businesses are engaged in trade and 57% of these in the retail trade. Businesses associated with manufacturing represent 18% and those with services 12%.

Table XIX
Economic activity of businesses by gender of the owner
(percentage distribution of businesses)

Activity	Woman	Man	Joint	Total
Manufacturing	12.6	25.2	10.6	18.2
Construction	0.0	0.1	0.2	0.1
Business	73.9	61.7	85.3	69.3
Transport	0.3	1.2	0.8	0.7
Finance	0.6	1.7	1.5	1.2
Services	12.5	10.2	1.6	10.5

Source: Patricia Cely, Women-owned Micro-enterprises and Small Businesses, 1993.

272. Based on the findings of Patricia Cely's survey of Women-owned Micro-enterprises and Small Businesses in the Dominican Republic, 1993, the chief characteristics of women's participation in this sector can be summarized as follows:

- 45% of all micro-enterprises and small businesses in the country are owned by women and generate one third of the employment in those businesses.

- The number of jobs generated by women-owned businesses is low in relation to the number of women-owned businesses, owing to the small size of this sector and the low proportion of women who work in businesses owned by men.

- In businesses owned by men, only 15% of the employees are women, whereas, in those owned by women, women represent 64.5% of the employees.

- The average annual rate of growth of employment in women-owned businesses is 5.9%, against 9.2% for those owned by men.

Table XX
Average annual growth rate of employment,
by area and by gender of the owner

Area	Women	Men	Joint	Average
Urban	6.4	10.1	7.9	8.3
Rural	5.1	7.3	10.8	6.6
Average	5.9	9.2	9.3	7.7

Source: Miguel Cabal, Micro-enterprises and Small Businesses in the Dominican Republic, 1992

273. Activities in most women-owned businesses centre on trade and services, and within these on the following lines: eating houses, taverns, general stores, beverage stands, hair dressing salons, beauty parlours, tailors' and seamstresses' shops, restaurants, cosmetics and jewellery shops, food stands, and clothing stalls.

Table XX*
Activities in which women-owned businesses are concentrated
Percentage of all women-owned micro-enterprises and small businesses

Eating houses, taverns and general stores	21.4
Beverage stands	8.8
Hairdressing salons and beauty parlours	7.8
Tailors' and seamstresses' shops	7.8
Restaurants	7.5
Cosmetics and jewellery shops	7.0
Food stands	6.4
Clothing stalls	6.0
Combined percentage	**72.7**

Source: Patricia Cely, Women-owned Micro-enterprises and Small Businesses, 1993.

274. The table below shows what activities generate most jobs in women-owned businesses.

Table XXI
Activities which generate the most employment in women-owned businesses
Percentage of all workers in women-owned micro-enterprises and small businesses

Eating houses, taverns and general stores	18.9
Restaurants	11.0
Hairdressing salons and beauty parlours	7.3
Beverage stands	6.7
Food stands	5.5
Cosmetics and jewellery shops	5.4
Tailors' and seamstresses' shops	4.9
Education centres	4.8
Combined percentage	**64.5**

Source: Patricia Cely, Women-owned Micro-enterprises and Small Businesses, 1993.

* *Owing to an error in numbering the tables in the original, there are two Table XXs. [Translator]*

(d) Women in tourism

275. This sector has experienced rapid and extensive growth. Its share of GDP rose from 1.2% in 1980 to 5.4% in 1994. It is one of the sectors which have recorded the greatest annual growth in recent years, easily outstripping total GDP growth. In 1993, the GDP grew by 2.8%, whereas the tourism sector grew by 21%.

276. Its greatest impact has been in generating foreign exchange and creating jobs in the different regions of the country, and indirectly in the agricultural, crafts and manufacturing sectors, through the generation of jobs and consumption of the output of those sectors (Fundapec, 1992).

277. Women account for 29.6% of the total workforce in this sector, and the female participation rate is lower than for males in all occupational groups.

278. Businessmen's preferences in all occupational categories show a marked male bias, as can be seen clearly in the table below.

Table XXII
Preference of businessmen according to occupational groups (percentage distribution)

	(1)	(2)	(3)		
Occupational groups	Men	Women	No pref.	(1+3)	(2+3)
Managers and executives	50.0	6.3	43.8	93.8	50.1
Department heads	23.4	7.8	68.8	92.2	76.6
Supervisors and technicians	35.9	14.1	46.9	82.8	61.0
Low-level technicians	43.8	12.5	35.9	79.7	48.4
Unskilled operatives	31.3	10.9	53.1	84.4	64.0

Source: IDB-Fundapec: National Manpower Survey, 1992.

279. 55.4% of the women who work in the tourism sector are single, the rate for men being 45.0%.

280. The women possess a higher educational profile, although, according to Fundapec data, their wages are lower; the average wage for women in free-trade zones, agro-industries and tourism is RD$1,751 a month, compared with RD$2,226 for men; according to the same source, 62.7% of the women have completed at least secondary schooling, compared with only 47.1% of the men.

281. For the three categories analysed, women have fewer years of working experience than men – 6 years for women and 10 for men; for 36% of the women working in those categories this is their first job, the corresponding figure for men being 27%.

282. Despite the regulations described and the government's efforts to guarantee conditions of equity between men and women and to get women involved in development on equal terms, obstacles and restrictions still persist,

resulting in discriminatory practices against women in the workplace. In this connection, as part of the overall framework of government reforms and modernization, plans are under consideration that will change those obstacles, especially in the manufacturing and free-trade zone sector, where much of the female workforce is concentrated.

283. To address unemployment, the central government has created the National Employment Commission, with responsibility for designing overall employment policies and programmes. This commission is proposing to develop a national strategy to enhance the training and productivity of the population groups comprising women and young people.

284. Similarly, to speed up the process of reducing female unemployment in the low-income segments of the population, a Production Cooperative Programme is currently being implemented through the Department for the Advancement of Women and in coordination with the Community Development Office, Industrial Development, the Dominican Export Promotion Center, and the Institute of Technical Vocational Training, for the purpose of involving 20,000 women from low-income segments in a variety of projects to make garments for export.

285. In addition, a project is being promoted for Crafts Centres for women in coastal regions near the following tourist centres: Samaná, Barahona, Puerto Plata, Boca de Nigua, Boca Chica and Guayacanes. Its goal is to produce handicrafts using waste products recycled from the sea.

286. For urban areas, we are developing a micro-enterprises programme for growing green vegetables, which is intended to involve 200 women from low-income barrios in growing green-leafed vegetables. This project is being carried out in coordination with the World Food Programme and the American Chamber of Commerce.

287. The government is attempting, and is already negotiating with the Dominican business community and with foreign investors, to improve the conditions of workers in the industrial export-processing zones and to open up new duty-free zones. It is also working to achieve parity in textiles, which will undoubtedly help to reduce unemployment among women workers in the Dominican Republic.

Article 12. Health

288. The Dominican Government does not differentiate by sex in the delivery of health services, except when implementing programmes in which the sexual differences between men and women are intrinsic. The government is immersed in a process of broad government reform in which reform of the health system is a priority; its goal is to revamp the entire structure of the system with a view to improving the quality of services, expand coverage, and integrate health and social well-being.

289. The general indicators of women's health indicate that the three leading causes of death among mothers are toxemia (25-30%), hemorrhages during childbirth (21%), and clandestine abortions (17%). In 1986, 1988 and 1990, according to hospital statistics, maternal mortality rates ranged between 48, 59 and 45, respectively, per 100,000 live births, but it is believed that there is

heavy under-reporting in statistical series involving health. In 1991, some estimates put maternal mortality at 180 per 100,000 live births.

290. These indicators of maternal mortality are in contrast to the broad coverage of pre-natal care and care during childbirth. ENDESA-96 found that 43% of mothers received care from a general physician during pregnancy, and 55% were attended by an obstetrician/gynecologist; these percentages are subject to differences according to area, as can be seen in Table XXIII. Women in rural areas or very poor regions received less specialized care. There is also evidence of differences in terms of educational levels: the higher the educational level, the greater the specialized care received. In 1996, the estimate was 229 deaths for every 100,000 live births.

Table XXIII
Percentage distribution of births in the five years preceding the survey, by pre-natal care provider, according to selected characteristics, Dominican Republic, 1996

Characteristics	Pre-natal care provider[1]					Total	No. of births
	General physician	OB/GYN	Nurse/ midwife	Accou-cheuse	None		
Age of mother at delivery							
51.1	45.0	1.0	0.4	2.4	100.0	975
20	40.4	58.1	0.4	0.1	1.1	100.0	3,149
20-34	41.1	54.1	1.0	1.2	2.7	100.0	254
35+							
Number of birth							
1st	38.8	59.6	0.2	0.3	1.2	100.0	1,385
2nd-3rd	39.7	58.7	0.6	0.1	1.0	100.0	2,044
4th-5th	53.5	43.7	0.6	0.1	2.0	100.0	622
6th+	59.2	33.3	1.6	1.1	4.8	100.0	328
Area							
Urban	30.4	68.3	0.3	0.1	0.9	100.0	2,551
Rural	60.1	36.2	0.9	0.5	2.3		1,828
Region							
National District	22.0	77.3	0.1	0.1	0.4	100.0	1,334
Region Y	50.8	46.6	0.8	0.3	1.6	100.0	601
Region II	48.1	50.6	0.3	0.2	0.8	100.0	776
Region III	57.6	39.3	1.4	0.3	1.3	100.0	385
Region IV	53.2	41.2	0.8	1.1	3.7	100.0	232
Region V	51.8	46.5	0.0	0.0	1.8	100.0	569
Region VI	61.7	29.1	2.5	0.7	6.1	100.0	267
Region VII	45.7	52.3	0.6	0.2	1.3	100.0	214
Educational level[2]							
No schooling	64.3	26.3	1.8	0.8	6.9	100.0	401
Primary 1-4	58.4	39.0	1.0	0.2	1.4	100.0	887
Primary 5-8	47.0	50.9	0.6	0.2	1.4	100.0	1,472
Secondary	29.9	69.5	0.0	0.3	0.3	100.0	1,172
Higher	12.3	87.7	0.0	0.0	0.0	100.0	446
No data	0.0	0.0	0.0	0.0	0.0	100.0	1
Total	**42.8**	**54.9**	**0.6**	**0.2**	**1.5**	**100.0**	**4,379**

Note: The estimates refer to births in the period from 0 to 59 months preceding the survey, including those born in the month of the interview.

[1] If the interview mentioned more than one source of care, only the most qualified was considered.
[2] 1 case with no data was excluded.

291. The data from ENDESA-96 also show broad coverage of care at the time of childbirth. 39% received care from a doctor, 52% from an obstetrician/gynecologist, and 4% from nurses.

292. Although the average number of children has declined among women in both urban and rural areas, what was regarded as the "traditional" urban/rural differential in the number of children was maintained until the early 1980s, when there was a slackening in the overall fertility rate of urban women, accompanied by a slight increase in the rate of decline among rural women (Table XXIV).

293. The number of children Dominican women declared to be "ideal"[4] varied between two and four, with a national average of 3.1. For those in urban areas the average was 3, while for those in rural areas it was 3.3. However, the trend towards fewer children is evident, since the average referred to above declined, among both urban and rural women, as the age of the interviewees decreased. Whereas for women aged 45 to 49 years, the ideal number of children was 3.8 (urban) and 4.5 (rural), women between 15 and 19 years of age reported 2.7 and 2.8 children, respectively, as their ideal number.

Table XXIV
Evolution of overall fertility rate by periods, according to area of residence

Area of residence	1983-85	1988-91	1993-96
TOTAL FOR COUNTRY	**3.7**	**3.3**	**3.2**
Urban	3.1	2.8	2.7
Rural	4.8	4.4	3.9

Source: IEPD/PROFAMILIA, ONAPLAN, IRD/MACRO: Population and Health Survey, 1991 and 1997.

294. Nevertheless, the childbearing and reproductive pattern of Dominican women has changed little over the last few decades. The average age of the first marriage is 17.6 years for rural and 19.9 years for urban women. Reproductive behaviour is characterized by childbirth soon after marriage and close spacing between births (until the desired number is reached), after which fertility is limited.

295. 60.5% of Dominican women began their married life before the age of 25, with those in rural areas beginning earlier than those in urban areas. In fact, in 1991 more than 72% of rural women had married by the end of their 24th year, compared with 55% for urban women. For the subgroup aged 15 to 19 years, 35% of rural women already had partners, compared with 18% in the case of urban women.

296. This situation accounts in part for the country's high fertility rate among adolescents. In 1996, 23% of women aged between 15 and 19 years had started to procreate (18% had already borne children and 4% were pregnant for the first time).

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[4] In the national population and health surveys, all women interviewed (unmarried, married/living together, divorced and widowed) are asked the "exact number of children you would like to have (or have had) in your lifetime," the responses being taken as the ideal number of children.

297. In this respect, too, female adolescents living in rural areas presented a sharply higher profile than their urban counterparts, since the proportion of the former who had begun their reproductive stage was nearly twice that of those in urban areas (30.3% vs. 17.6%).

298. In 1968, the first state-run, nationwide family planning program was launched.[5] Until that time, contraceptive practice using the so-called modern methods was relatively limited, being confined essentially to urban women in the upper and upper-middle classes, and was virtually nil among rural women.[6]

299. This programme facilitated access to contraception for Dominican women, regardless of their socioeconomic class or where they lived; this led to substantial increases in the use of birth control, which in the case of rural women, whether married or living together, almost doubled, the increase in the use of birth control measures by this subgroup being far greater than in the cities.

Table XXV
Evolution of the prevalence of contraceptive use by all women of childbearing age (WCA) and by those married/living together, by area (in percentages)

DIFFERENTIAL CHARACTERISTICS	EPA 1983	DHS 1986	ENDESA 1991	ENDESA 1996
WCA:				
TOTAL FOR THE COUNTRY	**27.8**	**31.0**	**36.8**	**45.0**
MARRIED/LIVING TOGETHER ONLY:				
TOTAL FOR THE COUNTRY	**45.8**	**49.8**	**56.4**	**63.7**
Urban	50.2	52.2	60.1	66.4
Rural	40.3	46.0	50.1	59.5

Sources: CONAPOFA: Survey of Prevalence of Contraceptive Use (1983), and Population and Health Survey (1986). IEPD/PROFAMILIA, ONAPLAN, IDR/MACRO: Population and Health Survey, 1991.

Women and AIDS

300. As of April 1997,[7] there was a cumulative register of 3,717 cases of AIDS and 3,666 cases of HIV infection, of which one third (32.7%) involved women and 66.9% men. Of the women infected with AIDS, 18.5% were aged between 15 and 24 years, compared with 12.7% for the male population.

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[5] This was the most concrete action following up on the agreements of the Meeting of Latin American Heads of State at Punta del Este in 1966.

[6] There are no reliable data on contraceptive practice prior to 1975 (the year of the first National Fertility Survey), although some writers (Nelson Ramírez, Clara Báez, José Miguel Guzmán) quote estimates that in the late 1960s fewer than 35% of urban and about 15% of rural women, both living together and married, used contraceptives.

[7] PROCETS/SESPAS. "Vigilancia Epidemiológica," April 1997.

301. In the issue of women and AIDS in the Dominican Republic, cultural, social and legal factors come into play that predispose them to risk. Aspects involving educational levels, poverty, religion, and sexual and intra-family abuse similarly have a bearing, as they affect the woman's ability to secure agreement on preventive measures, such as the use of a condom.

Measures adopted to help improve the health conditions of women

302. Decree No. 68-94 established the National Committee on Maternal Mortality, attached to the Ministry of Public Health and Social Welfare, the purpose of which is to study, research, analyse, and disseminate the causes and factors associated with maternal mortality.

303. Adoption of the National Plan to Reduce Infant and Maternal Mortality 1997-2000. The aim of this plan is to reduce the maternal mortality rate to less than 80 per 100,000 live births by the year 2000; to increase the use of contraceptives to 60% of women of childbearing age and to 40% of women who use modern reversible methods; to achieve institutional care coverage at childbirth of more than 95% in all municipalities and lower the proportion of caesarean sections to 15% nationwide; to expand basic vaccination coverage to more than 95% in pregnant women, in all municipalities in the country; and to improve the quality of reproductive health services.

304. To boost breastfeeding, the SESPAS is promoting a strategy called Mother and Child Friendly Hospitals; and the National Commission on Breastfeeding was also formed.

305. Design of a National Strategy of the IEC for the prevention of AIDS in the country. The NGOs are also playing a lead role in the prevention of HIV/AIDS through a variety of educational, informational and sensitization programmes.

Article 13. Economic and social benefits

306. The country has no legal regulations that prevent women from exercising their right to obtain bank, mortgage, or any other kinds of loans.

307. Nor is there any legal regulation that discriminates against women in terms of their participating in social, recreational or sporting activities. Limitations which women may encounter in these areas arise from the process by which gender make-up takes shape in society, which discriminates between activities assigned to women and men, while, on the other hand, the constraints women face in joining in recreational activities, due to combining two or even three jobs in their workday because of the roles they play in the home, can also affect their participation given the hours at which some social or cultural activities take place.

Article 14. Rural women

308. The overall indicators on rural women reveal differences from men, as well as from urban women, in economic and social terms and in their involvement in politics. In the population projections for 1994, women represent 46.5% of the rural population. According to ENDESA-96, the average rural woman had 4.4

children, compared with 2.8 for her urban counterpart; 18% of rural households were headed by women, against 29.4% in urban areas.

309. The average life span of rural women in the period 1985-1990 was 66.85 years, compared with 69.25 years for urban women, and 62.82 years for rural men; illiteracy rates were 29.3% for rural and 10.2% for urban women, the corresponding rates for men being 31.0% and 9.0%, respectively; activity rates within the EAP were 46.6% for rural and 60.0% for urban women; 54.9% of rural women were unemployed, against 43.0% for urban women; the prevalence of contraceptives among rural women of childbearing age, married or living together, was 50.1%, compared with 60.1% among urban women.

310. Apart from being characterized by the above indicators, the integration of rural women into development was further constrained by their limited access to land. The regulations governing agrarian reform were discriminatory against women and did not treat them as subjects for agrarian reform since they could participate only through their husbands; they were unable to exercise any formal and legal power with respect to the land and the benefits arising from such reform. A step forward in this connection was the amendment to the agrarian reform law, which allowed women to benefit on equal terms with men with respect, among other things, to settlement, agricultural credit, technical training, and housing plans. We present below some of the main articles of this law.

Article 51. The Agrarian Institute shall negotiate with the Agricultural Bank credit facilities for farmers who form part of a family unit and for organizations included in a development program. Such credit shall be supervised, that is, shall consist of low-interest credit accompanied by adequate technical advice through agricultural cooperatives.

Article 53. The Agrarian Institute shall use all means to promote and help credit, consumer and marketing cooperatives to be organized among lot owners and agricultural workers.

Article 59. The Agrarian Institute shall promote and implement training programmes for, among others, project administrators, employees in central offices, soil technicians, persons to assist in organizing and supervising cooperatives, farm management technicians, and extension agents, of both sexes. To conduct this program, the Agrarian Institute may enlist the cooperation of the different departments of the Ministry of Agriculture, the Agricultural Bank, and other government departments.

Article 60. The Institute shall also hold seminars and activities throughout the Republic to benefit the managing body of the organization, also making use, where necessary, of educational programmes and activities in other countries, for the benefit of such personnel and of Dominican students of both sexes. In addition, it may carry out educational programs and activities for directors and farmers in particular localities. To this end, training plans shall be formulated and special programmes developed, with appropriate oversight by the Agrarian Institute, either independently or in cooperation with the different departments of the Ministry of Agriculture and the Agricultural Bank.

311. We do not have reliable statistics on the true position of women in terms of land ownership. In 1989, there were 8 registered women smallholders for every 100 males (Díaz, S., 1992), a figure that illustrates their real

inequality with men. The lack of statistics is due to the fact that registration of land and real property is subject to very pronounced biases in the Dominican Republic. It is estimated that only 40-60% of the land and real property is legally registered. This under-registration affects mainly women, since 60% of all couples are living together in common law marriages. In this respect, the Dominican Government is planning to remove these constraints as part of its political reform process.

312. Rural women have access to credit through a number of governmental and non-governmental entities and under a variety of arrangements, the chief one being cooperative loans; nevertheless, their participation is very limited, notably because of the lending conditions in effect. Women were the borrowers on 7.0% of the loans granted by the main branches of the Agricultural Bank and also accounted for 7% of total loan approvals.

313. It is worth mentioning that since 1992 the International Development Fund (FIDA) has been allocating funds to finance productive activities of women in the Southwest region, as it is the area with the worst poverty index in the country. The funds are channeled through the Agricultural Bank. More than 100 women's associations have benefited.

314. The country's cooperative movement was launched in 1946. In 1963, the State created the Institute for Cooperative Development and Credit (IDECOOP) as the policy-making agency with respect to the cooperative movement. At the same time, the movement itself produced two important organizations at different levels, the Dominican Federation of Cooperatives and the Dominican Confederation of Cooperatives, which have since the 1980s been encouraging women to become involved in the movement, as well as training its women members so that they can develop the skills to assume positions of leadership in it.

315. In spite of the foregoing, the presence of women in the agricultural cooperatives remains weak. Preferences by sector of activity centre around the savings and loan and consumer cooperatives, followed by multiple-service cooperatives, which is explained by the many alternatives these offer for resolving the economic problems which women face on a daily basis.

316. At present, both the government and the cooperative movement are trying to promote and expand participation by women at all levels of the movement, especially in its managing bodies. IDECOOP, FEDECOOP and CODOCOOP operate gender-based consensus-building programmes within the cooperative movement with support from the Confederation of Cooperatives of the Caribbean and Central America (CCC-CA) and the International Cooperative Alliance (ACI), and the agricultural cooperatives are being encouraged to develop hubs based on complementary production lines, with participation by women in some stages of the production cycle.

317. On the question of access to services, according to the rules of the institutions in the agricultural sector, women are not discriminated against in the provision of production support services, the transfer of technology, technical training, etc. However, women producers are affected by under-recording, since none of the institutions has statistics broken down by sex; there is thus no transparent way to assess the real contribution of women, although it is common knowledge that they are making rapid strides in such commodities as rice and kidney beans, two of the country's largest crops.

318. The Dominican Agrarian Institute provides training to owners of parcels, as well as their families, on agricultural production, credit management, the cooperative movement, and the administration of rural businesses. At the same time, it encourages the so-called "mothers' centres," made up of the female partners and daughters of male parcel owners, whom it trains in handicrafts, flower arranging, tailoring, and pastry-making.

319. Through the Oficina de ProComunidad, and with the support of international development cooperation agencies, the government is implementing important community projects with a very positive impact on rural women. Also, through the Ministry of Agriculture and under agreements with international agencies, important rural development programmes are being carried out, through the Ministry's Programme for Women, that involve women very actively.

320. NGOs have also played a pioneering role in implementing promotional and development programmes which involve rural women as active participants. These projects encourage rural women to organize themselves to defend their rights as women and in seeking and organizing community services. These organizations have given momentum to productive projects, particularly in agriculture and trade, through the use of revolving loans. These forums have also served to encourage the organization and building of an organized rural women's movement, which currently has mothers' associations or centres throughout the country, some of them operating on a national level.

321. The country has rural clinics in all provinces of the country, at which basic health services are offered to the communities; women play a very active role in these centres, since the task of health promotion is generally performed by women. The NGOs also operate health programmes, especially in the area of training and prevention.

Article 15. Equality under the law

322. The Constitution of the Dominican Republic does not establish any difference based on sex in recognizing citizenship rights. It also confers full civil capacity on married women.

Constitution of the Dominican Republic, Article 8, Section 15, paragraph (d)

"Married women shall enjoy full civil capacity. The law shall establish the means necessary to protect the property rights of married women, under any system."

Civil Code, Article 213

323. "Married women have the same civil capacity as single women. The marriage system adopted by the spouses may contain no restriction on the civil capacity of the wife that is not expressly provided for under the law."

Freedom of movement

324. In **Article 8, Section 15**, the Dominican Constitution provides "Freedom of *movement, except for* any restrictions that may arise from sanctions imposed by the courts, or from police, immigration or health laws."

325. Dominican legislation confers equal treatment on men and women in the courts, so that women can sue and be sued according to the same legal prerogatives as men. The discrimination becomes apparent in the way the proceedings are handled and in the ideological framework within which the law is applied.

326. Women also have the right to enter into contracts in their own name, acquire goods, administer properties, take out loans, and establish businesses.

327. Our Civil Code still contains restrictions that limit women in the full exercise of their civil capacity:

Article 1428 of the Civil Code entrusts the husband with the administration of his wife's personal property when they are married under the system of joint ownership.

328. The same code provides for joint authority over the family, yet still gives preference to men in the administration and enjoyment of their minor children's personal property.

Article 16 Marriage and family

329. In the Dominican Republic, marriage and family have undergone profound changes due to sociocultural and economic factors. These changes can be seen in the composition of the family, the increase in households headed by women, the changes in marital patterns, the increase in common-law marriages, the reduction in fertility rates, and the rise in the divorce rate.

330. The Constitution recognizes marriage as the legal foundation of the family. According to **Article 19** of the Code for the Protection of Children and Adolescents, "Family is understood to be, aside from that based on marriage, the community formed by a father and a mother, or by one of them and his or her children born of a consensual or de facto union." Both men and women have the right to choose their spouse and to marry by their full and free consent, with the exception of minors who need authorization from their parents or a guardian" (see Code on Minors).

331. **Law No. 659 on Acts Affecting Civil Status** states:
"Marriage is an institution originating in a contract concluded between a man and a woman who have expressed their free consent to marry and who possess the capacity required for carrying out this act."

332. **Article 14** of the Code for the Protection of Children and Adolescents provides: "All children, whether born of a consensual relationship, a marriage, or adopted, shall enjoy equal rights and capacities, including those in respect of inheritance." This article marks a step forward in comparison with our Civil Code, which establishes discriminatory treatment for children born out of wedlock.

333. The same code also provides that authority over the children shall be shared on the basis of equality between father and mother. In this respect, **Article 357-3 of Law 24-97**, which enacts amendments to the Penal Code, the Code of Criminal Procedure and the Code for the Protection of Children and Adolescents, prescribes penalties for failure to fulfil this responsibility. A prison

sentence of three months to one year and a fine of five hundred to fifteen thousand pesos shall be imposed upon:

1. Any parent who without serious reason deserts the family residence for more than two months and evades all or some of the moral or physical obligations arising from the authority inherent in a parent or legal guardian. The period of two months may be suspended only by a return to the home with the intention of permanently reentering the family life.

2. Any husband or cohabiter who without serious reason voluntarily deserts his wife or cohabiter for more than two months while knowing that she is pregnant.

3. Any parent who, neglecting his or her authority, whether or not made explicit to him or her, seriously jeopardises the health, safety, or morality of his or her children, or one or more of such children, by mistreatment, pernicious example, habitual drunkenness, egregious misconduct, lack of care, or lack of necessary guidance.

334. With respect to the violations set forth in paragraphs 1 and 2 of the present article, prosecution shall initially consist in a written caution to the violator by a law enforcement officer, allowing him or her a period of eight days in which to discharge his or her obligations. If the violator flees or has no known residence, the caution shall be followed up by the mailing of a registered letter to the last known domicile or using the procedure set forth in Article 69(7) of the Code of Civil Procedure.

335. The Civil Code and the Code for the Protection of Children and Adolescents also provide that responsibilities in the marriage include ensuring the moral and physical direction of the family, the education of the children, contributing towards household expenses, and guaranteeing food, recreation, and health.

336. There are no legal regulations in the Dominican Republic governing the number or spacing of children.

337. With respect to guardianship, Dominican legislation is discriminatory in that during the marriage the law entrusts the father with the administration of his minor children's personal property, leaving the possibility of this right to the mother only if the marriage is dissolved as a result of her husband's death. Under our legislation, in the event of the mother's death the father automatically assumes guardianship of the children, but in the event of the father's death guardianship does not pass automatically to the mother; there is instead the possibility of appointing someone else as guardian. If the parents separate or divorce, parental control passes to the progenitor upon whom the court has conferred guardianship of the child. In most cases, it is the woman who assumes parental authority over the children.

338. On the issue of **trusteeship**: In our legal framework the husband is, as a matter of law, the legal guardian of a wife subject to judicial disability, but in the case of a husband subject to judicial disability the wife is not, as a matter of law, his legal guardian, although she may be named such in the manner and under the conditions of administration decided upon by the family council.

On adoption

339. **Article 29** of the Code for the Protection of Children and Adolescents provides: " ... persons above the age of 25 years, whatever their civil status, as head of family, may adopt, provided that the party adopting can vouch for the physical, mental, moral and social competence required to afford a child or adolescent a suitable, stable home. The same qualities shall be required of those adopting jointly."

340. Spouses are free to choose their own profession, occupation and name. The Civil Code also confers the right to administer, enjoy and dispose of property. **Articles 217, 218, 219 and 221** provide:

"Each of the spouses is authorized, without the consent of the other, ..., to conclude such contracts as have as their purpose the maintenance and preservation of the household or the education of the children. The other spouse is jointly liable for any debt so contracted."

"Each of the spouses may, without the consent of the other and in his or her own name, open a current account, a deposit account, a savings account, a securities account, or an account of any other kind. The depositor spouse is deemed, with rspect to the depositary, to be entitled to dispose freely of the funds and securities on deposit."

"If one of the spouses presents himself or herself without the other for the purpose of effecting a transaction involving the administration, enjoyment or disposition of an item of personal property that he or she holds individually, he or she is deemed, vis-à-vis third parties of good faith, to be empowered to effect such transaction alone."

"Under all the *[marriage]* systems, and under penalty of the invalidity of any clause to the contrary in the marriage contract, the married woman enjoys full rights of administration and disposition over the proceeds from her personal labour and any savings derived therefrom. She may make use of this income to acquire real estate or bearer securities, and may transfer the property so acquired as well as borrow against it and mortgage it."

341. Our laws prescribe 16 years for men and 15 years for women as the minimum age for entering into marriage, although a lower-court judge may grant a waiver in respect of the minimum age. They also require marriages to be registered at a Civil Registry Office within 10 days of their celebration.

CHAPTER V

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CHAPTER VI

ANNEXES

(a) Brochure of the Department for the Advancement of Women

(b) Agreement on Collaboration and Technical Cooperation between the Department for the Advancement of Women and the Office of Attorney General of the National District

(c) Agreement on Collaboration and Technical Cooperation between the Department for the Advancement of Women and the Ministry of Public Health and Social Welfare

(d) Agreement on Collaboration and Technical Cooperation between the Department for the Advancement of Women and the National Police

(e) Agreement on Collaboration and Technical Cooperation between the Department for the Advancement of Women and the National Lottery

(f) Preliminary draft agreement between the Department for the Advancement of Women and the María Trinidad Sánchez Women's Front

(g) Agreement between for the Advancement of Women and the Agricultural Bank of the Dominican Republic to promote the participation of women in productive agricultural activities

(h) Agrarian Reform Bill

(i) Decree No. 66-95

(j) Official Gazette No. 9945 of 28 January 1997